

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
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**FORMAL SESSION**  
**March 21, 2007**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., March 21, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1, Andrew Kunasek, Vice Chairman, District 3; Don Stapley, District 2 Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**INVOCATION**

Lisa Graham Keegan, Information Consultant, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Lisa Graham Keegan, Information Consultant, led the assemblage in the Pledge of Allegiance.

**NINTH ANNUAL SAN TAN COMMUNITY CLEAN-UP VIDEO**

Chairman Brock presented a video of the recent Ninth Annual San Tan Community Clean-up Event sponsored by Maricopa County, Pinal County, Town of Queen Creek, and the San Tan PRIDE Association. Chairman Brock said the volunteers represented companies, corporations, government and the private sector and he thanked all who participated. He explained that these clean-ups have been held for several years and between 50 and 100 tons of trash and debris are collected and removed from the landscape yearly. His hope is that residents will soon begin to take better care of "their county" so these cleanups won't be necessary. (ADM650)

**RECOGNITION OF TIMOTHY OVERTON APPOINTMENT**

Chairman Brock recognized many of the personal highlights and career accomplishments of Deputy Chief Timothy Overton during his 29 years of service in the Maricopa County Sheriff's Office, and commended him on his recent appointment as President of the FBI National Academy. Chairman Brock gave him a plaque of commendation. He and Board Members joined Deputy Chief Overton and Sheriff Arpaio for a group photo. (ADM650)

Sheriff Arpaio also extended congratulations to his Deputy Chief and said he could recognize from previous experience how important it is to work in conjunction with federal authorities in today's climate. He added that this appointment is a very prestigious one for Chief Overton as well as for their organization. He said President Overton will oversee and work with 15,000 national, international, federal and local members of the National Academy.

Deputy Chief Overton responded to this recognition by thanking the Board for the honor and thanking Sheriff Arpaio for his support in allowing him the opportunity to serve in this new capacity. He said the FBI National Academy was started in 1935 by Director J. Edgar Hoover as a way to promote leadership in local law enforcement. It was elevated in 1960 by President Kennedy to involve international members, as crime-fighting was increasingly recognized as an international affair. Every year there are 1,000 graduates from the National Academy with approximately 250 of these from international chapters that include Iraq and Pakistan. He said he is the first person from Arizona to hold the position of president and he is honored to do so. He added that the International Conference will be held in Phoenix in July 2007 and he expects a large number of members to attend.

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Chairman Brock informed Chief Overton that his name would be engraved on the Salute Pillar of Recognition honoring those whose actions bring honorable recognition to Maricopa County.

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Pursuant to A.R.S. §4-201, Chairman Brock called for a public hearing on the following liquor license applications. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications:

- a. Application filed by Luis Ibarra for a Special Event Liquor License: (F23221) (SELL774)

Business Name: Friendly House  
Location: 7611 S. 29<sup>th</sup> Avenue, Laveen, AZ 85339-1862  
Date/Time: March 23, 2007; 4:30 pm – 9:00 pm

- b. Application filed by Terry F. Ray for a Permanent Extension of Premises/Patio Permit: (ADM664-94)

Business Name: The Spurr Lounge  
Location: 5535 W Baseline Road, Laveen AZ 85339

- c. Application filed by Lloyd Earl Banning Jr. for a new Series 12 Liquor License: (LL6219)

Business Name: Duners Pizza  
Location: 7707 SW Hwy 85 #133, Buckeye AZ 85326

- A-1 Application filed by Craighton T. Boates for a Special Event Liquor License: (F23191) (SELL776) (Addendum item A-1)

Business Name: Rotary Club of Anthem  
Location: 41703 N. Gavilan Peak Parkway, Anthem, 85086  
Date/Time: March 31, 2007, 10:00 am – 8:00 pm  
April 1, 2007, 10:00 am – 8:00 pm

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

**PUBLIC HEARING – LIQUOR LICENSE APPLICATION**

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- d. Application filed by Christine Joan Vertin for an Original Series 10 Liquor License: (LL6218)  
(Continued from 2/21/07 on a protest from the Treasurer's Office because of unpaid taxes.)

Business Name: South West Feed  
Location: 18802 West Hwy 85

Clerk of the Board Fran McCarroll reported that the Treasurer's Office had not approved this application because applicant was in arrears on property and personal taxes. The property was the subject of a forfeiture and seizure by the State of Arizona in 2004. She said five parcels are involved with amounts ranging from \$31,000 to several hundred dollars. She said the applicant and her husband were present with their attorney, Dennis G. Bassi, to speak about a settlement statement connected to the sale of property with which to pay the tax amounts owed.

Mr. Bassi said the City of Avondale is buying a property from the Vertins and the settlement statement shows that approximately \$72,000 will be paid to the Treasurer at the close of escrow. The Attorney General's Office stipulated that all taxes needed to be paid as part of the proceeds of the sale. He asked for help in moving the license forward without obstruction if possible, but he could not give a date certain when escrow would close and funds forthcoming to pay the tax debt.

Motion was made by Supervisor Wilcox and seconded by Supervisor Wilson to deny this application for non-payment of taxes with the caveat that the denial would be withdrawn when taxes are current. Discussion ensued on whether this would be the best way to move this item. Mr. Bassi indicated the applicant would be in favor of this method.

Supervisor Kunasek asked the nature of the seizure and if it entailed criminal allegations. Mr. Bassi said allegations had been made but no charges were brought and the land had been seized more through a default situation and this was now being rectified. In questioning Mr. Bassi, the Chairman determined that this involved a title default.

The Clerk further explained that a forfeiture investigation resulting in a seizure first began with the Methamphetamine Task Force and added that there is a long list of filings and actions with superior court on the matter over the past three years. She added that in the process, several parcels were deeded to the State and therefore there are several entities needing to "come together" to complete the resolution.

Motion to deny, as given above, carried unanimously (5-0) with Supervisors Brock, Stapley, Kunasek, Wilson and Wilcox voting "aye." (Clerk's Note: not part of the official minutes: Notice was received from the County Treasurer, April 10, 2007, that all personal and property taxes for the Vertin's are now current. Notification was sent to the State Department of Liquor Licenses and Control that the Board's recommendation for denial is withdrawn and this application is now recommended for approval.)

**PUBLIC HEARING ON MEDICAL EXAMINER FEES**

Chairman Brock called for a public hearing to solicit comments and consider the implementation of a new fee schedule and adjustment to existing fees, and to accept the proposed fees. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the new fees and fee adjustments as proposed (see below). Office of the Medical Examiner (OME) fees include autopsies, external examinations, cremation authorizations, specimen & histology processing, body bags, expert testimony, medical education and administrative processing fees. No fee will exceed the actual cost of the

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product or service provided. OME is not requesting an expenditure budget increase. Increased revenues are a direct offset to operating expense and cost recovery. These fees will become effective April 1, 2007. (C2907006800) (ADM2173)

		<b>Current Fee</b>	<b>Proposed Fee</b>
<b>Copy Charges</b>	<b>Copy Charges</b>		
Other Copies, per page	Reports per page	0.25	0.50
<b>Examination</b>	<b>Other Jurisdiction Examination</b>		
Autopsy	Autopsy	1042.00	1600.00
External	External	427.00	800.00
<b>Cremation Authorization</b>	<b>Cremation Authorization</b>	5.00	15.00
<b>Histology Charges</b>	<b>Histology Charges</b>		
	Microscopic Slide Container (each/5 slides)		1.00
<b>Transportation</b>	<b>Transportation</b>		
Body Bag - Lightweight	Body Bag - Lightweight	13.00	9.00
Body Bag - Heavyweight	Body Bag - Heavyweight	40.00	31.00
	Body Bag - Infant		4.00
	Administration Fee for Monthly Billing (Processing Body Bags)		25.00
<b>Expert Testimony</b>	<b>Expert Testimony</b>		
Per Hour	Per Hour	149.00	400.00
<b>Hospital Visit- Organ Donor Request Denied</b>	<b>Hospital Visit- Organ Donor Request Denied</b>		400.00
<b>Medical Education</b>	<b>Medical Education</b>	97.00	
Student (Per Student Per Week)			150.00
Resident (Per Resident Per Week)			375.00

**SETTLEMENT-BIGELOW LIMITED LIABILITY COMPANY IV, ET AL V. MARICOPA COUNTY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize an offer to settle and compromise the following matters: Arizona Bigelow Limited Liability Company IV, et al v. Maricopa County, TX 2004-000197 (consolidated); TX 2006-00125; and all civil matters within the scope of the Notice of Claim Pursuant to A.R.S. §12-821.01 by Bigelow L.L.C., as discussed in executive session on March 19, 2007; and further, if this offer is accepted, authorize the Chairman to execute all final settlement documents upon review and approval by counsel. (Addendum item A-2) (C1907033000) (ADM704-001)

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**RESCIND ACTION RELATED TO EAGLETAIL WATER COMPANY FRANCHISE**

Pursuant to A.R.S. §40-283, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to rescind the action of August 18, 2004, which approved the Eagletail Water Company, LLC, for a domestic water distribution system. Under the terms of the Resolution granted by this approval, Item Number 11:

This franchise is granted upon the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona and proof thereof submitted to the Board of Supervisors within six months from the date of granting of this franchise; and if such Certificate is not granted within six months from said date, then this franchise is to be void; otherwise to be in full force and effect for the time herein specified.

Due to non-compliance of this item, this franchise is deemed void and the action to approve this franchise is rescinded, effective March 21, 2007. (C0607068700) (F23153)

**ADJUST COUNTY AUDITOR'S FISCAL YEAR 2007 AUDIT PLAN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adjust the FY 2006-07 Annual Audit Plan to align with available audit resources. An extremely competitive job market for accounting/auditing personnel has resulted in significant recruitment challenges in FY 2006-07. Department vacancy rates far exceed normal levels. All High-Risk Audits will be completed as scheduled. Delete the following Medium-Risk Audits: Countywide Leases, Justice Court Services, Jail Management System. Delete the following Low-Risk Audits: County Manager's Office, Clerk of the Board, General Government. Managing for Results information. Audit work and deliverables for the remainder of FY 2006-07 will align more closely with available audit resources. (C2307002000) (ADM2600)

**High Risk Audit Areas**

Adult Probation  
Environmental Services  
Public Health  
Sheriff's Office  
Accounts Payable  
Contract Audits  
Financial Condition Report  
Payroll  
Performance Measure Audits  
Random Cash Counts  
Revenues  
Special Request Audits  
Treasurer's Office

**Medium Risk Audit Areas**

Emergency Management  
~~Justice Court Services~~  
Justice Courts  
Parks and Recreation

**Low Risk Audit Areas**

~~County Manager's Office~~  
~~Clerk of the Board~~  
BOS Agenda Review  
~~General Government~~  
Website Information  
Single Audit Reviews

**Information Technology Audit Areas**

Adult Probation Application Security Review  
Continuous Monitoring Reviews (Pcards, Etc.)  
Environmental Svcs Application Security Review  
Integrated Criminal Justice Info System Review  
Internet Usage Reviews  
Justice Courts Application Security Review  
Public Health Application Review  
Recorder's Application Security Review  
~~Sheriff's Jail Management System~~  
Systems Development Reviews

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Recorder's Office  
Telecom/OCIO  
~~Leases~~  
Program Evaluation

**Action to be Taken**

Recommend the deletion of engagements due primarily to hiring challenges. Three auditor positions remain vacant.

**AMENDMENT TO IGA FOR CHILDREN YOUTH & FAMILIES DIVISION FOR SUBSTANCE ABUSE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the intergovernmental agreement (IGA) between the State of Arizona, Governor's Office for Children, Youth, and Families, Division for Substance Abuse Policy and the Maricopa County Attorney's Office for \$20,000 (total) in state funds to support prevention and education activities related to the impact and consequences of methamphetamine use and production in local communities. This agreement commenced January 23, 2006 and expired December 30, 2006. Approval of this amendment will extend the termination of the agreement until March 31, 2007, and allow the Maricopa County Attorney's Office to complete a strategic plan for the implementation of environmental prevention strategies to combat methamphetamine use and production within Maricopa County. The financial impact for FY 2006-07 is unchanged (\$11,000) and was included in the County Attorney (190) Grant Fund (219) adopted budget. (C1906036201)

**APPEAL TAX COURT JUDGMENT IN SAFEWAY V. MARICOPA COUNTY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize appeal from the Tax Court judgment in Safeway v. Maricopa County, No. TX2002-000132. The Arizona Tax Court entered judgment in Safeway v. Maricopa County, TX2002-000132 in favor of Safeway, in a case concerning the proper assessment for walk-in coolers at Safeway supermarkets. In that case, Safeway contended that the coolers had been double-taxed as both personal and real property. The County contends that the coolers were not included in the real property assessment for these stores, and that the personal property taxes should be upheld. The County seeks authorization from the Board of Supervisors to appeal the Tax Court judgment. This item was discussed in Executive Session on March 19, 2007. (C1907030000) (ADM413-001)

**TRANSFER EXPENDITURE AUTHORITY FOR DOCUMENT REDACTION PROJECT**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer expenditure authority between General Government (470) General Government Grant Fund (249) and Records Office (360) Records Surcharge Fund (236). This funding request is for a Document Redaction Project and is one-time in nature and fund balance will be used for this project. Costs are expected to be the following:

- Not-to-exceed \$5,067,655 for six months or for the life of the project whichever comes first.
- Include \$383,000 in the FY 2007-08 budget for the Redcap contract work force to perform Quality Control Review.

This action will require an expenditure appropriation adjustment decreasing the FY 2006-07 General Government (470) General Government Grant Fund (249) by \$5,067,655 and increasing the FY 2006-07 Records Office (360) Records Surcharge Fund (236) by \$5,067,655.

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Also, direct the Office of Management and Budget to budget funds for the continuation and close-out of the project in the amount of \$383,000 in FY 2007-08. Approval of this action will allow the department to comply with the 2007 Proposed Legislative SB1169 (Amending A.R.S. §11-461, §12-1178 and §42-1118) to "redact references to social security numbers on instruments that are recorded after December 31, 1985, and that are available on the County Recorder's website. (C3607001800) (ADM3600-003)

**ONE-TIME ADDITION TO THE FLEET**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a one-time, grant-funded, addition to the fleet of a 14-foot enclosed cargo trailer associated with the acquisition of a Mobile (Bullet) Recovery System Unit that will be utilized by the Sheriff's Crime Lab. This is a temporary addition to the fleet and will be removed at the end of its useful life with no funding from the General Fund for replacement. This request is in conjunction with the Project Safe Neighborhood Grants PSN-06-1011 and PSN4-06-1015, previously approved and designated for Forensic Firearms Testing/NIBN. (C5006519301) (ADM3101V)

**AMENDMENT TO AGREEMENT FOR PARAMEDICS AND EMERGENCY MEDICAL TECHNICIANS TRAINING**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to the previous agreement entered into between Lincoln Health Network, d.b.a. John C. Lincoln Hospital – North Mountain and Maricopa County through the Maricopa County Sheriff's Office to include the Emergency Base Station Agreement as an Addendum that will designate Lincoln as a Base Station Hospital. The Addendum and original agreement effective dates are from January 1, 2007 through December 31, 2008, and may be terminated by either party with written notice. All other terms of the affiliation agreement remain the same. (C5007042M01) (C6748)

**ONE TIME ADDITION TO FLEET AND ISSUANCE OF DEEP UNDERCOVER REGISTRATION AND EXEMPTION FROM MARKINGS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a one time addition to fleet and the issuance of deep undercover registration and exemption from markings, including non-government license plates per A.R.S. §38-538.03 and §28-2511 for two RICO vehicles that will be used for conducting investigations into major felonies, narcotics operations, and organized crime activity throughout Maricopa County. Annual operation and maintenance costs for these vehicles are estimated to be \$10,000 and will be supported with RICO funds. No vehicle replacement cost is associated with these vehicles since it is a one-time addition to the county fleet and will automatically be removed from Maricopa County Sheriff's Office fleet when they are no longer useful. (C5007061M00) (ADM3301V) (C79070121)

**DONATION**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the acceptance of a donation for \$449.79 to the Sheriff's Office from Valley of the Sun United Way for use by the Maricopa County Sheriff's Office Animal Safe Hospice Unit. (C5007063M00) (ADM3900)

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**OFF-HIGHWAY VEHICLE ENFORCEMENT PROGRAM**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the agreement and acceptance of \$45,000 in grant funding from the Arizona State Parks Board (ASPB), for the Off-Highway Vehicle Enforcement Program. The term of this agreement between ASPB and the Maricopa County Sheriff's Office begins the date the final signature is obtained on the document and expires December 31, 2007. These funds will be used to support costs of expanded patrol effort that could otherwise not take place. The Sheriff's indirect cost rate for FY 2006-07 is 17.8% and the unrecoverable indirect costs are estimated to be \$8,010. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5007508300)

**NEW LAW ENFORCEMENT OR DETENTION RELATED GRANTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the following actions relating to Sheriff's Office grants during FY 2007-08:

Approves an exception to the Policy for Administering Grants (A2505) Section D. 1 to the Sheriff's Office for FY 2007-08 that would allow the Sheriff's Office to apply for unnamed law enforcement or detention related grants that may or may not allow indirect cost recovery. The Sheriff's Office indirect cost rate for FY 2007-08 is 17.8% (tentative). If any funds are awarded, the Sheriff's Office would return to the Board for approval of acceptance. (ADM1608)

Also approve the acceptance of \$2,054,285 to the Sheriff's Grant Fund (251) for specific new law enforcement and detention program grants. The Sheriff's Office proposed indirect cost rate for FY 2007-08 is 17.8%.

Authorize the Chairman to sign all applications, resolutions, certifications, assurances, etc. that are included in the grant application process, and documents corresponding to the acceptance of awards up to amounts specified for grants that are in effect from July 1, 2007 or become effective by June 30, 2008, or when signed by both parties, whichever is later. The Sheriff's Office FY 2007-08 anticipated indirect cost rate is 17.8%. Unrecoverable indirect costs are estimated to be \$363,133 with \$2,530 being recoverable. Related cash matches, which were anticipated in the FY 2007-08 tentative budget recommendations are \$122,725. The Sheriff's Office will return to the Board for acceptance approval for new grants that are not included on the schedule, and for the annual mid-year reconciliation. (C50075413ZZ)

<b>CONTRACTOR NAME</b>	<b>CONTRACT NUMBER</b>	<b>AMOUNT</b>
AATA - Public Awareness	C5007542300	\$27,236
Safe Neighborhoods-Firearms Testing	C5007543300	\$24,000
DUI Abatement	C5007544300	\$75,655
Watch Your Car Program	C5007545300	\$5,000
HIDTA/JDIG	C5007546300	\$364,437
LLEBG - Parcel Unit	C5007547300	\$38,055
JAG - Neighborhood Narcotics	C5007548300	\$136,227
Neighborhood Narcotics (ACJC)	C5007549300	\$374,920



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<b>CONTRACTOR NAME</b>	<b>CONTRACT NUMBER</b>	<b>AMOUNT</b>
HIDTA-Native American Project	C5007550300	\$150,000
GOHS Youth Alcohol Program	C5007551300	\$40,000
GOHS East Valley DUI Task Force	C5007552300	\$80,000
Homeland Security - Sustainment funds	C5007553300	\$150,000
Residential Substance Abuse	C5007554300	\$115,978
Victim's Rights Program	C5007555300	\$140,800
State Entitlement	C5007556300	\$281,382
Part B-IDEA Entitlement	C5007557300	\$35,595
Secure Care	C5007558300	\$15,000

**APPOINTMENTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following appointments:

- a. Retired Superior Court Judge Norman D. Hall, Jr. as Superior Court Judge Pro Tempore for the period from March 23, 2007 through December 31, 2007, to serve in the various programs in the Superior Courts to reduce trial delay. (C3807019700) (ADM1001)
- b. Court Commissioner Charles Donofrio III as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace for the period from March 21, 2007 through December 31, 2007, to serve in the various programs in the Superior Courts and Justice Courts to reduce trial delay. (C3807020700) (ADM1001)

**INTERGOVERNMENTAL AGREEMENT TO SUPPORT THE ARIZONA METH PROJECT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) with LaPaz County, transferring \$17,591 to Maricopa County to support the Arizona Meth Project. Upon approval of this intergovernmental agreement, this action will require an appropriation adjustment to Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) line item titled "Meth Project," increasing the FY 2006-07 revenue and expenditure budgets by \$17,591. IGA revenues are not local revenues for the purpose of the constitutional expenditure limitation; therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board. (C2007045000)

**SOLE SOURCE CONTRACT FOR EVALUATION SERVICES OF AZ METH PROJECT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a sole source contract between Maricopa County and Roper/GfK for evaluation services to assess the impact of the Arizona Meth Project on Arizona's youth, young adults and their parents. A key component of this prevention initiative, these evaluation services include the collection, collation and reporting of baseline survey data and post media campaign survey data for these three target populations. Retention of Roper/GfK to provide evaluation services is a condition of the Affiliation Agreement approved on December 20, 2006, under agenda item C2007033000, between Maricopa

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County and Meth Project [Montana Meth Project]. Funding for this contract is derived from Maricopa County general funds, grants funds from other Arizona counties and support from the Office of the Arizona Attorney General. The professional fees for year one of the contract shall not exceed \$775,000. The contract may be terminated for convenience by the county, in whole or in part, at any time. (C2007046000)

**SETTLEMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve settlement in: Philip Keen v. Maricopa County et. al, CV2006-008666 (pending in Maricopa County Superior Court); Philip Keen vs. County Manager's Office, WB2006-01 (pending before the Maricopa County Merit Commission). This item was discussed in Executive Session on March 19, 2007. (C2007047000) (ADM409V)

**STUDENT LOAN REPAYMENT ASSISTANCE PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Correctional Health Services (CHS) Student Loan Repayment Assistance Program (CHS-LRAP) pursuant to A.R.S. §11-251 and the Maricopa County Compensation Plan §II to assist CHS employees who give direct patient care to repay education loans. The program will reimburse eligible CHS employees for payments on their student loans up to \$25,000 per year for physicians, physician assistants, dentists, and nurse practitioners (collectively, the "Section A Participants") and up to \$10,000 per year for all other health care professionals providing direct patient care, including registered nurses, dental hygienists and assistants, licensed practical nurses, medical assistants, correctional health care technicians, psychologists, and licensed mental health professionals, counselors and social workers (collectively, the "Section B Participants"). The program provides a maximum total benefit of \$125,000 for each Section A Participant and \$50,000 for each Section B Participant. The cost of the program is limited to the number of full time employees that the plan authorizes for each health care professional position in CHS. This program is effective July 1, 2007, for duration of available funds. (C2607008800) (ADM3308-004)

**AGREEMENT FOR EDUCATIONAL OPPORTUNITY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an affiliation agreement between Correctional Health Services and Vanguard Health System d.b.a. Baptist Health System. Approval would provide Registered Nursing students the educational opportunity to work in a supervised, clinical environment within the Maricopa County jail and detention facilities. The term of this agreement is effective from the date of Board of Supervisors' approval for a term of five years. There is no financial impact. (C2607009000)

**PERSONNEL AGENDAS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of minutes.

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**NOTICE OF GRANT AWARD FOR SOUTH PHOENIX HEALTHY START PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Notice of Grant Award from the Health Resource and Services Administration (HRSA) to the Department of Public Health's South Phoenix Healthy Start program in the amount of \$400,000 for the budget period February 1, 2007 through January 31, 2008. The Department of Public Health's indirect rate for FY 2006-07 is 18.1%. HRSA allows for only 10% indirect costs for this grant. Full indirect costs are estimated at \$65,818 of which \$36,364 is recoverable and \$29,454 is unrecoverable.

Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$68,742 for FY 2006-07, as \$97,925 has already been budgeted, and \$233,333 for FY 2007-08. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8602165213)

**AMENDMENT TO IGA FOR IMMUNIZATION SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 7 to the Intergovernmental Agreement (IGA), Contract No. HG352193, with Arizona Department of Health Services. The amendment is effective from December 13, 2006 through December 31, 2007. This amendment increases the total award for this contract term to \$1,870,898 for immunization services to children ages two and under, and to design a plan to increase coverage levels, and implement activities that will aid in increasing coverage levels. The grant indirect costs are reimbursable at a rate of 18.1%. Full indirect costs are estimated at \$286,734, all of which all are recoverable.

Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$351,679. Additional partial appropriation adjustment is needed in FY 2006-07 because the additional award is greater than the budgeted amount of \$583,770. The appropriations adjustment is necessary because these funds were not included in the FY 2006-07 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8603089207)

**AMENDMENT TO IGA FOR FOLIC ACID DISTRIBUTION AND EDUCATION SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 2 to the intergovernmental agreement (IGA) (HG361277) with the Arizona Department of Health Services to the Department of Public Health for folic acid distribution and education services. This amendment serves to update the scope of work, change the contract from a cost reimbursement basis to a fixed price basis, and replace the price sheet of Amendment No. 1 with the new price sheet for the budget term ending June 30, 2007, for a total amount of \$54,875. Maricopa County's indirect rate for the FY 2006-07 is 18.1%. Indirect costs are fully recoverable and are estimated at \$8,410.

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Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$54,875. The appropriations adjustment is necessary because these funds were not included in the FY 2006-07 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8603134202)

**AMENDMENT TO IGA FOR TUBERCULOSIS CONTROL AND PREVENTION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 5 to the intergovernmental agreement (HG352247) between the Arizona Department of Health Services and Department of Public Health (MCDPH) for tuberculosis control and prevention. The amendment start date is February 13, 2007 for the budget term January 1, 2007 to December 31, 2007. The amendment provides \$217,206 for this budget term. MCDPH's indirect rate is 18.1%. This grant allows for the full indirect rate estimated at \$33,289, all of which is recoverable. The above revenue and expenditures were included in the FY 2006-07 budget recommendation and have also been included in the FY 2007-08 budget submission. (C8603135205)

**AMENDMENT TO IGA FOR HIV PREVENTION COMMUNITY PLANNING GROUP**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 3 to the intergovernmental agreement (IGA) between Arizona Department of Health Services (ADHS) (HG454516) and the Department of Public Health for the HIV Prevention Community Planning Group. The amendment provides \$73,500 for calendar year 2007. Public Health's indirect rate for FY 2006-07 is 18.1%. ADHS only allows 10% indirect for this grant. Total indirect is estimated at \$12,094 of which \$6,690 is recoverable according to the IGA price sheet and \$5,404 is unrecoverable. These funds were included in the FY 2006-07 budget and the FY 2007-08 budget submission. (C8604069203)

**AMENDMENT TO IGA FOR TEEN PREGNANCY PREVENTION PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 2 to intergovernmental agreement (IGA), No. HG554225, with the Arizona Department of Health Services (ADHS) for the Department of Public Health's Teen Pregnancy Prevention Program. This amendment is to correct the error in Amendment No. 1 of this agreement, which contained an incorrect price sheet. The price sheet contained in this amendment is the correct one for the FY 2006-07. This amendment does not change the total contract dollar amount of \$128,136 but makes adjustments among line items. The Maricopa County Department of Public Health's indirect cost rate for FY 2006-07 is 18.1%. Indirect costs are fully recoverable and estimated to be \$20,459 per ADHS price sheet. No appropriations adjustment is required by this action. (C8605904202)

**WELL WOMAN HEALTHCHECK PROGRAM SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following amendments to provide Well Woman Healthcheck Program services to uninsured or underinsured women:

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- a. Increased funding for Amendment No. 8 to the intergovernmental agreement (IGA) with the Arizona Department of Health Services (HG361201). This increases the grant amount by \$137,103. Total funding for the term ending June 30, 2007 will increase from \$439,588 to an amount not to exceed \$576,691. This provides additional funding for screening and diagnostic services. This grant was previously approved on the 2006 Letter of Intent C86060433LI – item #25 on March 1, 2006; with Amendment No. 8 being signed by the Chairman on July 14, 2006. The current approved indirect rate for the Department is 18.1%; however, this grant's indirect costs are reimbursable at a rate of 10% of Personnel Services and Employee Related Expenses only. Full indirect costs are estimated at \$2,172 of which an estimated \$1,200 is recoverable and an estimated \$972 is unrecoverable. Sub-recipient expenses in the amount of \$123,903 are not eligible for indirect charges.

Revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$137,107. The appropriations adjustment is necessary because these funds were not included in the FY 2006-07 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8603099208)

- b. Amendment No. 3 to the intergovernmental agreement (IGA) C86060231 with the Arizona Board of Regents d.b.a. Arizona State University – Community Health Services Clinic. This amendment increases the contract dollar amount by \$30,000. Total funding for the contract term ending June 30, 2007, will increase from \$100,000 to an amount not-to-exceed \$130,000. All other terms and conditions of the original contract shall remain in full force and effect. Arizona Board of Regents d.b.a. Arizona State University – Community Health Services Clinic was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on June 10, 2005 (PH ROQ 05-008). (C8606023103)
- c. Amendment No. 3 to Contract No. C86060281 Catholic Healthcare West d.b.a. St. Joseph's Hospital and Medical Center. This amendment increases the contract dollar amount by \$15,000. Total funding for the contract term ending June 30, 2007, will increase from an amount not-to-exceed \$75,000 to an amount not-to-exceed \$90,000. All other terms and conditions of the original Contract shall remain in full force and effect. Catholic Healthcare West d.b.a. St. Joseph's Hospital and Medical Center was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on July 1, 2005 (PH ROQ 05-010). (C8606028103)
- d. Amendment No. 5 to Contract No. C86070041 with Mountain Park Health Center. This amendment increases the contract dollar amount by \$20,200. Total funding for the contract term ending June 30, 2007, will increase to an amount not-to-exceed \$73,571. All other terms and conditions of the original contract shall remain in full force and effect. Mountain Park Health Center Inc. was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on June 10, 2005 (PH ROQ 05-008). (C8607004101)

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**AMENDMENT TO IGA FOR THE HOMELESS CLINIC**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to the intergovernmental agreement (IGA) with Maricopa Special Health Care District d.b.a. Maricopa Integrated Health Systems d.b.a. Maricopa Health Plan (MHP) and the Department of Public Health's Health Care for the Homeless Clinic (HCH). This amendment allows MHP to bill Medicare for clients as well as Arizona Health Care Cost Containment System. HCH does not bill Medicare, so this amendment will not have any affect on HCH billing procedures. The term of this amendment is January 1, 2008 through September 30, 2009. All other terms and conditions of the original Contract shall remain in full force and effect. This agreement is non-financial and will not affect the county general fund. (C8606052201)

**AGREEMENT FOR STUDENT LEARNING EXPERIENCES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the affiliation agreement entitled, "Affiliation Agreement Between Maricopa County, by and for its Department of Public Health and State University of New York, by and for its Campus at Oneonta" with the State University of New York, by and for its campus at Oneonta to allow students from the Dietetics program to participate in learning experiences at the Maricopa County Department of Public Health. The agreement is non-financial. The term is retroactive to January 1, 2007 and does not expire; however, it may be terminated by either party with 90 days' notice. (C8607045000)

**AGREEMENT FOR ADJUNCT STAFF ADVISORS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the affiliation agreement entitled, "Adjunct Staff Agreement" with Midwestern University (MWU) – Glendale Campus to allow faculty from MWU to serve as adjunct staff advisors at the Department of Public Health. The agreement is non-financial. The term begins on March 1, 2007, and extends through June 30, 2009; however, it is automatically renewed and extended each year, or unless otherwise terminated as provided for in the agreement. (C8607046000)

**PARTNERSHIP AGREEMENT FOR MATERNAL AND CHILD HEALTH PRACTICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a non-financial partnership agreement between Maricopa County, through the Department of Public Health, and Sunnyslope Family Services Center Community Council and John C. Lincoln Health Network d.b.a. The Sunnyslope Youth and Family Partnership to establish a collaboration to promote best maternal and child health practices in the Sunnyslope area. The term of the agreement begins upon full execution of this document through December 31, 2007. This agreement is non-financial and will not affect the county general fund. (C8607047000)

**SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the amendments to the following intergovernmental agreements that provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. These amendments are effective upon execution by both parties:

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- a. Amendment No. 1 to Agreement C86074182 with the Deer Valley Unified School District. The amendment will increase the amount of the agreement by \$38,000 from \$19,500 to not-to-exceed \$57,500. (C8607418201)
- b. Amendment No. 1 to Agreement C86074202 with the Liberty Elementary School District. The amendment will increase the amount of the agreement by \$2,000 from \$5,500 to not-to-exceed \$7,500. (C8607420201)
- c. Amendment No. 1 to Agreement C86074622 with the Fowler School District. The amendment will increase the amount of the agreement by \$2,000 from \$8,000 to not-to-exceed \$10,000. (C8607462201)

**AMENDMENT TO CONTRACT WITH FOUNDATION FOR SENIOR ADULT LIVING, INC.**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 7 to the contract with the Foundation for Senior Adult Living, Inc., (FSAL), a non-profit organization, to increase contract funding in the amount of \$181,155 (from \$1,154,636 to \$1,335,791) for the operation of the low-income home weatherization and repair and/or replacement of utility related appliances and heating/cooling systems. Program funding resources are provided to Maricopa County by Arizona Public Service, Southwest Gas, the Arizona Department of Commerce/Energy Office and the Arizona Department of Economic Security. There is no long term commitment on the part of Maricopa County to continue this program. Continuation of this program is based on the availability of continued funding. There are no County General funds involved in this contract. The period of performance for this contract remains unchanged from July 1, 2006, to June 30, 2007. The funding for this amendment represents an increase in Arizona Department of Commerce/Energy office funds and a decrease in Arizona Department of Economic Security funding. The additional funding will provide weatherization services to 50 additional low-income households living in Maricopa County. (C2205085107)

**SPECIAL TRANSPORTATION SERVICES PROGRAM**

Item: Approve the intergovernmental agreement (IGA) with Regional Public Transportation Authority (RPTA) to provide subsidized funding for the Maricopa County Human Services Department Special Transportation Services Program. Funding to be provided in the amount of up to \$133,655.00 will be used to provide full reimbursement of transportation services to Americans with Disabilities Act (ADA) certified residents. The period of performance under this contract is from February 1, 2006, through June 30, 2007. The revenues generated for this purpose were designated through Proposition 400 passed in November 2004 as a part of the regional transportation tax. There are no county funds included in this contract. For the period July 1, 2006 to June 30, 2007, it is estimated that the county may request reimbursement from RPTA up to a maximum of \$133,655.00 for ADA para-transit service in Maricopa County. This amount is contingent upon approval of RPTA's FY 2006-07 budget by the RPTA Board of Directors. All overhead/indirect costs are allowable and the FY 2006-07 authorized rate will be applied to this contract. A Grant Agenda Indirect Cost Calculation form provides detail on indirect cost recovery. The funding requested will not exceed \$133,655.00 in total. The Department's authorized indirect cost rate of 16.5% will be applied and total estimated indirect costs are \$18,929.68. (C2207125300)

Blue Crowley, citizen, pointed out that it is the entire County that pays into the Proposition 400 fund and questioned restricting a portion of these funds for a small segment of the population when so many roadways in the western portion of the County need attention.

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) with Regional Public Transportation Authority (RPTA).

**FUNDS FROM VARIOUS FEDERAL, STATE AND PRIVATE SECTOR SOURCES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Maricopa County Human Services Department Community Services Program to submit eight funding applications to various federal, state and private sector sources. Also, authorize the Chairman to approve the receipt of all such funds awarded during FY 2007-08 as a result of the corresponding grant requests. Unless otherwise indicated all overhead/indirect costs are allowable and the FY 2007-08 authorized rate will be applied to the respective grants. The funding requested will not exceed \$15,000,000 in total. The department's FY 2006-07 authorized indirect cost rate of 16.5% will be applied and total estimated indirect costs are \$923,433. Programs to be supported by the funding include: (C22080403ZZ)

- WIA Title 1B - Adult, Dislocated Worker (60%), and Youth WIA Title 1B – Dislocated Worker Services (40%)
- Incumbent / Dislocated / Unemployed Worker Training Services
- TANF JOBS Services
- Youth Readiness Services State of Arizona Summer Youth Program
- One Stop Infrastructure Building Program
- One Stop Capacity Building Services

**TRANSFER EXPENDITURE AUTHORITY FOR LAKE PLEASANT OPERATION HEADQUARTERS HVAC UPGRADE**

Pursuant to A.R.S. §42-17106B, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a transfer of expenditure authority in the amount of \$100,000 between the General Government (470) Grants Fund (249) and the Parks and Recreation (300) Lake Pleasant Fund (240). This action will require an expenditure appropriation adjustment decreasing the FY 2006-07 General Government (470) Grants Fund (249) by \$100,000 and increasing the FY 2006-07 Parks and Recreation Department (300) Lake Pleasant Fund (240) by \$100,000. These adjustments will result in a county wide net financial impact of zero. This funding is available in the Lake Pleasant Fund balance for one-time expenditure to increase the funding for Lake Pleasant Operation Headquarters HVAC upgrade from \$165,000 to \$265,000 as recommended by the engineering study. (C3007009801) (ADM3200-003)

**CONSTRUCTION MANAGER AT RISK CONTRACTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following at risk contracts:

- a. A Construction Manager at Risk (CMAR) contract between Maricopa County through the Parks & Recreation Department (MCPRD) and DL Norton, Inc. for the MCPRD Restroom Improvements Phase 3 (Function REST), and to serve as the general contractor if the guaranteed maximum price is not more than 10% over the independent estimate. The project includes two restrooms each at McDowell and Utery Mountain Regional Parks. The funds to pay for the contracted amount will be from the General Fund County



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Improvement Fund (445) as adopted in the FY 2006-07 County Budget on June 19, 2006. (C3007020500)

- b. A Construction Manager at Risk (CMAR) design phase services contract between Maricopa County through the Parks & Recreation Department (MCPRD) and DL Norton, Inc. for the MCPRD Visitor Centers and Amphitheaters (Function VAMP). The funds to pay for the contracted amount will be from the General Fund County Improvement Fund (445) as adopted in the FY 2006-07 County Budget on June 19, 2006. (C3007021500)

**APPROPRIATION ADJUSTMENT INCREASING THE PARKS SOUVENIR FUND**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an appropriation adjustment increasing the FY 2006-07 Parks Souvenir Fund (Dept 300 Fund 239) revenue budget by \$25,000 to reflect additional revenue, an appropriation adjustment increasing the FY 2006-07 Parks Souvenir Fund (Dept 300 Fund 239) expenditure budget by \$25,000 to increase the Transfer Out to the Parks Enhancement Fund (Dept 300 Fund 241), an appropriation adjustment increasing the FY 2006-07 Parks Enhancement Fund (Dept 300 Fund 241) revenue budget by \$25,000 for the Transfer In from the Parks Souvenir Fund (Dept 300 Fund 239), and appropriation adjustments decreasing revenues and expenditures in the Eliminations Fund (Dept 300 Fund 900) by \$25,000 to offset the fund transfer. These actions will allow for an increase in the transfer of funds at the end of the fiscal year from the Parks Souvenir Fund (Dept 300 Fund 239) to the Parks Enhancement Fund (Dept 300 Fund 241) in accordance with A.R.S. §11-941 (D). (C3007023800) (ADM3200-003)

**AMENDMENT TO AGREEMENT WITH BUREAU OF RECLAMATION, THE CENTRAL ARIZONA WATER CONSERVATION DISTRICT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an amended subcontract to the long-term agreement (PR-93 283) approved by the Board of Supervisors on April 5, 1993 between the Bureau of Reclamation, the Central Arizona Water Conservation District and Maricopa County. Section 104(d) of the Arizona Water Settlements Act, Pub.L.108-451, directed the Secretary of the Interior to offer amended subcontracts for Central Arizona Project municipal and industrial (M&I) priority water. The amended subcontract provides for permanent service of Colorado River water with an initial delivery term of 100 years. All costs associated with M&I water service will be reimbursed by contract concessionaires. There is no additional financial impact to the Department. (C3007024200) (C6748)

**ADMINISTRATIVE CORRECTION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to approve an administrative correction to action taken February 7, 2007 under C7907044100 regarding the Make A Difference agreement to correct the \$4,000 payable amount to \$5,500. (C7907044101)

**KENNEL PERMIT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to approve the following kennel permit for Christine Sutton, d.b.a. Love & Fluff Kennels, 8591 W. Oregon Avenue, Glendale, AZ 85305, for the term of March 21, 2007 through March 20, 2008. The cost of a kennel permit is \$328. (C7907067C00) (ADM2304)

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**KENNEL PERMITS RENEWALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to approve the following kennel permit renewals for the term of March 21, 2007 through March 20, 2008:

- a. Marilyn Domhoff, d.b.a. Shante Afghans, 6824 W. Karen Lee Lane, Peoria, AZ 85352, Permit #405. The cost of a kennel permit is \$328. ((C7907058C00) (ADM2304)
- b. Elias Chapa, d.b.a. Chapa Kennels, 3007 N. 37th Street, Phoenix, AZ 85018, Permit #421. The cost of a kennel permit is \$328, plus a return trip charge of \$49; totaling \$377. (C7907059C00) (ADM2304)
- c. Teri Williams, d.b.a. Williams Kennels, 1687 S. Villas Lane, Chandler, AZ 85248, Permit #317 for the term of March 21, 2007 through March 20, 2008. The cost of a kennel permit is \$328, plus a return trip charge of \$49; totaling \$377. (C7907065C00) (ADM2304)
- d. Annette Clendenen, d.b.a. Clendenen Kennels, 5416 S. Wintersburg Road, Tonopah, AZ 85354, Permit #397; and, Angel & Tomasa Acosta, d.b.a. Acosta Kennels, 3807 W. Pierce Street, Phoenix, AZ 85009, District 5, Permit #318 for the term of March 21, 2007 through March 20, 2008. The cost of a kennel permit is \$328. (C7907066C00) (ADM2304)

**NEW HOPE PROGRAM ANIMAL RESCUE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to approve an Agreement between Amazing Aussies Lethal White Rescue of Arizona, a 501 (c) 3 non-profit, 3505 E. Fairfield Circle, Mesa, AZ 85213, and Maricopa County to allow Amazing Aussies Lethal White Rescue of Arizona under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the contractor. The cost for these services is \$27 for each animal rescued. Animal Care & Control estimates six new hope rescues over the term of the agreement, for a total of \$162. The term of this agreement is from March 21, 2007 through March 20, 2010. (C7907060100)

**DONATIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to approve the acceptance of the following donations to Maricopa County Animal Care & Control for the care and well being of the animals. Donation revenue funds are deposited into Fund (573) as they are received:

- a. Tricia Adams of Chandler, AZ in the amount of \$290. (C7907063700) (ADM2300-006)
- b. Roberta Pederson of Phoenix, AZ in the amount of \$400. (C7907064700) (ADM2300-006)
- c. John Teets of Scottsdale, AZ in the amount of \$1,000. (C7907068700) (ADM2300-006)

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**FUND TRANSFERS; WARRANTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

**RESOLUTION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to adopt a resolution which would authorize financing on a lease-purchase basis of the acquisition and improvement of property, and:

- Authorize the sale of certain County properties to the Maricopa County Public Finance Corporation, a nonprofit corporation;
- Authorize and approve the execution and delivery of a lease purchase agreement providing for the lease and purchase by Maricopa County of these certain County properties, a trust agreement for the issuance of Lease Revenue Bonds, Series 2007 (not to exceed \$125 million), an acquisition agreement, a continuing disclosure agreement and offering documents relating to the bonds;
- Authorize the sale of the Lease Revenue Bonds; and (F23229)
- Authorize and appropriate proceeds from the Lease Revenue Bonds to fund the construction of the Durango Animal Care Facility, Southeast Justice Center, Southwest Justice Center, San Tan Justice Court, acquisition of the One West Madison property, acquisition of land for the Southwest Justice Center, and improvements to the Central Court building for RCC/EDC courtrooms. (C1807027800) (ADM1800) (F23229)

**NOTE:** This item was readdressed later in the meeting to take the required roll call vote. The above vote was set aside and original motion and second were unanimously passed (5-0) on a roll call vote with Supervisors Wilson, Stapley, Kunasek, Wilcox, Brock voting "aye."

**RESOLUTION**

**RESOLUTION APPROVING AND AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY AND THE EXECUTION AND DELIVERY OF A SERIES 2007A SUPPLEMENT TO LEASE-PURCHASE AGREEMENT, A SERIES 2007A SUPPLEMENT TO TRUST INDENTURE, A SERIES 2007A ACQUISITION AGREEMENT AND A CONTINUING DISCLOSURE UNDERTAKING; AUTHORIZING THE PREPARATION AND APPROVAL OF PRELIMINARY AND FINAL OFFICIAL STATEMENTS; APPROVING THE ISSUANCE OF NOT TO EXCEED \$125,000,000 AGGREGATE PRINCIPAL AMOUNT OF LEASE REVENUE BONDS, SERIES 2007A TO FINANCE THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF VARIOUS COUNTY FACILITIES PURSUANT TO A LEASE-PURCHASE AGREEMENT BETWEEN MARICOPA COUNTY, ARIZONA AND THE MARICOPA COUNTY PUBLIC FINANCE CORPORATION, A NONPROFIT CORPORATION AUTHORIZED TO ISSUE OBLIGATIONS ON BEHALF OF THE COUNTY; AUTHORIZING THE SALE OF**

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**THE BONDS; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION AND DELEGATING CERTAIN DUTIES TO THE COUNTY'S CHIEF FINANCIAL OFFICER AND RATIFYING CERTAIN ACTIONS.**

**IT IS RESOLVED** by the Board of Supervisors of Maricopa County, Arizona, as follows:

Section 1. The Board finds and determines as follows:

- (a) Maricopa County, Arizona (the "County"), desires to acquire on a lease-purchase basis certain real property and certain improvements to be constructed on that property and other equipment and improvements (collectively, the "Series 2007A Projects") pursuant to Arizona Revised Statutes, Section 11-251.46.
- (b) The County has previously financed projects on a lease-purchase basis through the issuance and sale of Lease Revenue Bonds, Series 2001 (the "Series 2001 Bonds") of Maricopa Public Finance Corporation, an Arizona nonprofit corporation (the "Corporation"), pursuant to the Trust Indenture described below. The Series 2001 Bonds are payable from lease payments made by the County pursuant to a Series 2001 Lease-Purchase Agreement, dated as of June 1, 2001 (the "Existing Lease-Purchase Agreement"), between the Corporation and the County, as assigned to The Bank of New York Trust Company, N.A. (successor in interest to BNY Western Trust Company), as trustee (the "Trustee"), pursuant to a Trust Indenture, dated as of June 1, 2001 (the "Existing Indenture"), between the Trustee and the Corporation.
- (c) The County now desires to finance the Series 2007A Projects on a lease-purchase basis through the issuance and sale of Lease Revenue Bonds, Series 2007A (the "Series 2007A Bonds") of the Corporation, pursuant to a Series 2007A Supplement to Indenture (the "Series 2007A Supplement to Indenture" and, together with the Existing Indenture as it may be further supplemented in the future, the "Indenture"). The Series 2007A Bonds will be payable from lease payments made by the County pursuant to the Existing Lease-Purchase Agreement as supplemented by a Series 2007A Supplement to Lease-Purchase Agreement (the "Series 2007A Supplement to Lease-Purchase Agreement" and, together with the Existing Lease-Purchase Agreement as it may be further supplemented in the future, the "Lease-Purchase Agreement"), between the Corporation and the County, as assigned to the Trustee. The Series 2007A Bonds are to be payable from those lease payments and secured by the property held by the Trustee pursuant to the Indenture on a parity basis with the Series 2001 Bonds and any Additional Bonds issued pursuant to the Indenture.
- (d) The County, as agent for the Corporation, will agree to cause the Series 2007A Projects to be acquired and otherwise completed solely from the proceeds of the Series 2007A Bonds and other funds, if any, to be deposited with the Trustee under the Indenture pursuant to a Series 2007A Acquisition and Assignment Agreement (the "Series 2007A Acquisition Agreement"), between the Corporation and the County.

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- (e) To facilitate the sale of the Series 2007A Bonds, it will be necessary to cause to be prepared and distributed a Preliminary Official Statement and final Official Statement with respect to the Series 2007A Bonds and for the County to execute and deliver a Continuing Disclosure Undertaking (the "Continuing Disclosure Undertaking").

Section 2. The Board finds and determines that the acquisition and completion of the Series 2007A Projects and/or the sale and lease-purchase back of the Series 2007A Leased Land and the Series 2007A Existing Improvements pursuant to the terms of and as defined in the Lease-Purchase Agreement, the Trust Indenture and the Series 2007A Acquisition Agreement are in furtherance of the purposes of the County and are in the public interest. The sale of the Series 2007A Leased Land and the Series 2007A Existing Improvements (as defined in the Series 2007A Supplement to Lease-Purchase Agreement) pursuant to the Acquisition Agreement shall be at a price of not less than ninety percent (90%) of the appraised value pursuant to A.R.S. § 11-251.9. By adoption of this resolution with unanimous consent of the Board, the Board may sell the Series 2007A Leased Land and the Series 2007A Existing Improvements to a charitable, social or benevolent nonprofit corporation such as the Maricopa County Public Finance Corporation for the specific use of the County without public auction pursuant to A.R.S. § 11-251.9.

Section 3. The County approves the issuance and delivery of the Series 2007A Bonds, as described in this resolution, by the Corporation. The Series 2007A Bonds shall be issued in the aggregate principal amount of not to exceed \$125,000,000. The Series 2007A Bonds shall be in the denomination of \$5,000 or any integral multiples of \$5,000 in excess of \$5,000, shall be dated no earlier than the date of this resolution, and shall bear interest from their dated date payable on January 1 and July 1 of each year, commencing January 1, 2008 or on such other dates as may be specified in the Indenture, and shall be fully registered Bonds as provided in the Indenture. The Series 2007A Bonds shall bear interest at the rates per annum that result in a true interest cost not to exceed 6.50% and shall mature on July 1 (or on such other dates as specified in the Indenture) in the years and principal amounts (with a final maturity date not later than 25 years from the date of initial delivery of the Series 2007A Bonds) all as are to be set forth in the Indenture. By adoption of this resolution with unanimous consent of the Board, the Board may lease-purchase the Series 2007A Leased Land, the Series 2007A Existing Improvements and the Series 2007A Projects over a term longer than 15 years but not longer than a maximum of 25 years pursuant to A.R.S. § 11-251.46.

The forms, terms and provisions of the Series 2007A Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption and number shall be as set forth in the Indenture and are approved.

Section 4. The Preliminary Official Statement in the form approved by the Chief Financial Officer, is authorized and approved, and the Chief Financial Officer is authorized to deem it as "final" for all purposes of Section 240.15c2-12, General Rules and Regulations, Securities Exchange Act of 1934, and its distribution is authorized. The County will cause a final official statement (the "Official Statement") in substantially the form of the Preliminary Official Statement to be prepared and distributed with the Series 2007A Bonds upon initial issuance. The Chairman of this Board and the Chief Financial Officer are each authorized to approve, execute and deliver the Official Statement on behalf of the County and the execution by the Chairman of this Board or the Chief Financial Officer shall be deemed conclusive evidence of that approval. The original purchasers of the Series 2007A Bonds are authorized to use and distribute the Official Statement in connection with the sale of the Series 2007A Bonds.

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Section 5. The Series 2007A Bonds may be sold by competitive bid in accordance with a Notice Inviting Bids for the Purchase of Bonds in a form approved by the Corporation and by the County's Chief Financial Officer (the "Chief Financial Officer") or by negotiated sale to one or more firms selected by the Corporation and approved by the Chief Financial Officer from the pool of underwriting firms that has been selected to underwrite securities of the County and its component units, and may be sold either separately or together with refunding bonds to refinance in whole or in part the property and improvements financed by the Series 2001 Bonds as determined by the Corporation and approved by the Chief Financial Officer. The Chairman of this Board and the Chief Financial Officer are each authorized to approve, execute and deliver bond purchase agreements or other instruments relating to the sale of the Series 2007A Bonds on behalf of the County and the execution by the Chairman of this Board or the Chief Financial Officer shall be deemed conclusive evidence of that approval.

Section 6. The Chief Financial Officer or his designee is authorized, empowered and directed to execute and deliver a Continuing Disclosure Undertaking in such form as may be required to facilitate the sale of the Series 2007A Bonds. When the Continuing Disclosure Undertaking is executed and delivered on behalf of the County as herein provided, the Continuing Disclosure Undertaking will be a binding contract of the County for the benefit of the beneficial owners of the Series 2007A Bonds and the officers, employees and agents of the County are authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Continuing Disclosure Undertaking as executed. The sole remedies for failure to comply with the Continuing Disclosure Undertaking shall be for the beneficial owner of any Series 2007A Bond to seek mandamus or specific performance by court order to cause the County to comply with its obligations under the Continuing Disclosure Undertaking.

Section 7. The terms and provisions of the Series 2007A Supplement to Lease-Purchase Agreement, the Series 2007A Supplement to Indenture, the Series 2007A Bonds and the Series 2007A Acquisition Agreement, in the form of such documents (including exhibits) approved by the Chairman of this Board or the Chief Financial Officer are hereby approved, with such additional insertions, deletions and changes as shall be approved by the Chairman of this Board or the Chief Financial Officer, the execution of the Series 2007A Supplement to Lease-Purchase Agreement and the Series 2007A Acquisition Agreement being conclusive evidence of that approval, and the Chairman of the Board, the Chief Financial Officer and the Clerk of the Board are authorized and directed to execute and deliver the Series 2007A Supplement to Lease-Purchase Agreement and the Series 2007A Acquisition Agreement and such other documents as are necessary to complete the transaction.

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Section 8. If the Chief Financial Officer is advised by the County's financial advisor or the purchasers of the Series 2007A Bonds that the purchase of an insurance policy securing payment of the Series 2007A Bonds or a surety bond or other reserve fund guaranty would be advantageous to the County or the terms of the financing represented by the Series 2007A Bonds, any officer, agent or employee of the County is authorized to negotiate with and secure, with proceeds of the Series 2007A Bonds or otherwise, an insurance policy or a reserve fund guaranty, or both, from one or more institutions the claims-paying ability of which are then assigned one of the two highest rating categories by a nationally recognized credit rating agency. The Chief Financial Officer is further authorized to execute and deliver any instruments or documents necessary in connection with the purchase of an insurance policy and/or reserve fund guaranty concerning matters customary to be covered by such instruments or documents, including, without limitation, any of the following: (a) the terms of the insurance policy and/or reserve fund guaranty and the amounts to be paid for it, (b) procedures for payments pursuant to the insurance policy and/or reserve fund guaranty and reimbursement of amounts advanced, including subrogation of the provider to the rights of owners of bonds receiving payment from monies furnished by the provider, (c) voting rights, (d) remedies, (e) notices and providing of information, and (f) permitted investments of monies. If an insurance policy is obtained with respect to any of the Series 2007A Bonds, the insurer may be deemed to be the owner of the insured Series 2007A Bonds for purposes of demands, requests, consents, waivers or other actions by owners of the Series 2007A Bonds so long as the insurer has not failed to comply with its obligations.

Section 9. The County requests the Corporation and the Trustee to take any and all action necessary in connection with the execution and delivery of the Series 2007A Supplement to Lease-Purchase Agreement, the Series 2007A Supplement to Indenture and the Series 2007A Acquisition Agreement and the issuance and sale of the Series 2007A Bonds.

Section 10. The County covenants that it will do all things necessary to assist the Corporation and the Trustee in the issuance and delivery of the Series 2007A Bonds.

Section 11. After any of the Series 2007A Bonds are delivered by the Trustee to their purchasers upon receipt of payment therefor, this resolution shall be and remain irrevocable until the Series 2007A Bonds and the interest thereon shall have been fully paid, cancelled and discharged.

Section 12. All actions of the officers and agents of the County or the Board which conform to the purposes and intent of this resolution and which further the issuance and sale of the Series 2007A Bonds as contemplated by this resolution whether heretofore or hereafter taken are ratified, confirmed and approved. The proper officers and agents of the County are authorized and directed to do all such acts and things and to execute and deliver all such documents on behalf of the county as may be necessary to carry out the terms and intent of this resolution. The Chief Financial Officer is delegated the authority to appoint the directors of the Corporation.

Section 13. The Trustee may expend Series 2007A Bond proceeds to purchase bond insurance or other credit enhancement for all or part of the Series 2007A Bonds, if and to the extent directed by the Chief Financial Officer. The Trustee is authorized and directed to pay or cause to be paid the premiums, fees or costs for bond insurance or other credit enhancement, together with all other fees, costs and expenses of issuance, from Series 2007A Bond proceeds.

Section 14. In consideration of the purchase and acceptance of the Series 2007A Bonds by their owners and, in consideration of retaining the exclusion of interest income on the Series 2007A Bonds from gross income for federal income tax purposes, the County covenants with the owners from time to

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time of the Series 2007A Bonds to neither take nor fail to take any action which action or failure to act is within its power and authority and would result in interest income on the Series 2007A Bonds becoming subject to inclusion as gross income for federal income tax purposes under either laws existing on the date of issuance of the Series 2007A Bonds or under those or similar laws as they may be modified or amended.

The County agrees that it will comply with any and all requirement(s) and will take any and all action(s) as in the opinion of Squire, Sanders & Dempsey L.L.P. ("bond counsel") are necessary to prevent interest income on the Series 2007A Bonds becoming subject to inclusion in gross income for federal income tax purposes. Those requirements may include but are not limited to making further specific covenants; making truthful certifications and representations and giving necessary assurances; complying with all representations, covenants and assurances contained in certificates or agreements to be prepared by bond counsel; to pay to the United States of America any required amounts representing rebates of arbitrage profits relating to the Series 2007A Bonds; filing forms, statements and supporting documents as may be required under the federal tax laws; limiting the term of and yield on investments made with moneys relating to the Series 2007A Bonds; and limiting the use of the proceeds of the Series 2007A Bonds and of the property financed. The Chief Financial Officer is authorized to make one or more elections available under Sections 103 and 141 through 150 of the Internal Revenue Code and declarations of official intent to reimburse amounts advanced for the Project as may be required by Treasury Regulations Section 1.150-2.

Section 15. The Corporation and its purposes and activities are approved. The issuance by the Corporation of the Series 2007A Bonds is approved. The issuance by the Corporation of bonds subsequent to and in addition to the Series 2007A Bonds within five years for purposes of financing property included in the County Five-year Capital Improvement Program approved by this Board is also approved. The County will accept title to the property financed by the Series 2007A Bonds and those additional bonds when the bonds that finance that property are discharged.

Section 16. If any section, paragraph, clause or phrase of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause or phrase shall not affect any of the remaining provisions of this resolution.

Section 17. All orders, resolutions and ordinances or parts of them that are inconsistent with this resolution are waived to the extent only of the inconsistency. This waiver shall not be construed as reviving any order, resolution or ordinance or any part of them.

**DATED** this 21<sup>st</sup> day of March 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**GRANT OF RIGHT OF ENTRY - TOWN OF QUEEN CREEK FOR GEOTECHNICAL ANALYSIS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to approve granting of a Right of Entry to the Town of Queen Creek that will allow geotechnical analysis on a portion of an access road at the Queen Creek Landfill. A previously approved intergovernmental agreement with the Town of Queen Creek (C6704001201) provided that the Town of Queen Creek must develop a park on adjacent land sold by the county to the town. This Right of Entry will allow the town to perform surveying and testing of the access road area to insure that no buried trash will be disturbed,



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prior to installation of a sewer line required for the park. The Right of Entry will be granted for a nominal charge of \$10. If the testing results are acceptable, a subsequent Board approval will be required for granting a permanent Sewer Line Easement. (C1807028B00) (ADM810)

**ANNUAL ADJUSTMENT TO INMATE BOOKING AND HOUSING FEES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to approve the annual adjustment to the inmate booking and housing fees charged to other jurisdictions for the use of Maricopa County jails. The effective date of this adjustment will be July 1, 2007. The inmate booking fee will increase from \$163.64 to \$189.23 per inmate booked; the inmate housing fee will increase from \$62.29 to \$72.33 per day. (C1807029800) (ADM3911)

**RESOLUTION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to adopt a resolution which would:

- Authorize the refinancing of properties originally financed through the issuance by the Maricopa County Public Finance Corporation of its Lease Revenue Bonds, Series 2001, (F22891)
- Authorize and approve the execution and delivery of replacement documents to or documents modifying the Series 2001 trust indenture, lease-purchase agreement, continuing disclosure agreement and bond offering and sale documents,
- Authorize the issuance and sale of refunding bonds by the Maricopa County Public Finance Corporation to permit savings to Maricopa County from reduced lease payments. (C1807030800) (F22891) (F23230)

**RESOLUTION**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SERIES 2007B SUPPLEMENT TO LEASE-PURCHASE AGREEMENT, A SERIES 2007B SUPPLEMENT TO TRUST INDENTURE, A SERIES 2007B ACQUISITION AGREEMENT AND A CONTINUING DISCLOSURE UNDERTAKING; AUTHORIZING THE PREPARATION AND APPROVAL OF PRELIMINARY AND FINAL OFFICIAL STATEMENTS; APPROVING THE ISSUANCE OF LEASE REVENUE REFUNDING BONDS, SERIES 2007B TO REFUND ALL OR ANY PORTION OF THE LEASE REVENUE BONDS, SERIES 2001 ISSUED BY THE MARICOPA COUNTY PUBLIC FINANCE CORPORATION TO FINANCE THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF VARIOUS COUNTY FACILITIES PURSUANT TO A LEASE-PURCHASE AGREEMENT BETWEEN MARICOPA COUNTY, ARIZONA AND THE MARICOPA COUNTY PUBLIC FINANCE CORPORATION, A NONPROFIT CORPORATION AUTHORIZED TO ISSUE OBLIGATIONS ON BEHALF OF THE COUNTY; AUTHORIZING THE SALE OF THE REFUNDING BONDS; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION AND DELEGATING CERTAIN DUTIES TO THE COUNTY'S CHIEF FINANCIAL OFFICER AND RATIFYING CERTAIN ACTIONS.**

**IT IS RESOLVED** by the Board of Supervisors of Maricopa County, Arizona, as follows:

Section 1. The Board finds and determines as follows:

- (a) Maricopa County, Arizona (the "County"), has previously financed projects on a lease-purchase basis through the issuance and sale of Lease Revenue Bonds, Series 2001 (the "Series 2001 Bonds") of Maricopa Public Finance Corporation, an Arizona nonprofit corporation (the "Corporation"), pursuant to the Trust Indenture described below. The Series 2001 Bonds are payable from lease payments made by the County pursuant to a Series 2001 Lease-Purchase Agreement, dated as of June 1, 2001 (the "Existing Lease-Purchase Agreement"), between the Corporation and the County, as assigned to The Bank of New York Trust Company, N.A. (successor in interest to BNY Western Trust Company), as trustee (the "Trustee"), pursuant to a Trust Indenture, dated as of June 1, 2001 (the "Existing Indenture"), between the Trustee and the Corporation.
- (b) Under current market conditions it appears that there may be an opportunity to reduce the County's annual leases payments through the issuance by the Corporation of refunding bonds to refinance the Series 2001 Bonds in whole or in part at lower interest rates. The County therefore desires to authorize the refinancing through the issuance and sale by the Corporation of Lease Revenue Refunding Bonds, Series 2007B (the "Series 2007B Bonds") of the Corporation, pursuant to a Series 2007B Supplement to Indenture (the "Series 2007B Supplement to Indenture" and, together with the Existing Indenture as it may be further supplemented in the future, the "Indenture"). The Series 2007B Bonds will be payable from lease payments made by the County pursuant to the Existing Lease-Purchase Agreement as supplemented by a Series 2007B Supplement to Lease-Purchase Agreement (the "Series 2007B Supplement to Lease-Purchase Agreement" and, together with the Existing Lease-Purchase Agreement as it may be further supplemented in the future, the "Lease-Purchase Agreement"), between the Corporation and the County, as assigned to the Trustee. The Series 2007B Bonds are to be payable from those lease payments and secured by the property held by the Trustee pursuant to the Indenture on a parity basis with the Series 2001 Bonds and any Additional Bonds issued pursuant to the Indenture.
- (c) To facilitate the sale of the Series 2007B Bonds, it will be necessary to cause to be prepared and distributed a Preliminary Official Statement and final Official Statement with respect to the Series 2007B Bonds and for the County to execute and deliver a Continuing Disclosure Undertaking (the "Continuing Disclosure Undertaking").

Section 2. The Board finds and determines that the refinancing of all or a portion of the Series 2001 Bonds pursuant to the terms of and as defined in the Lease-Purchase Agreement and the Trust Indenture are in furtherance of the purposes of the County are and in the public interest.

Section 3. The County approves the issuance and delivery of the Series 2007B Bonds, as described in this resolution, by the Corporation. The Series 2007B Bonds shall be issued in an aggregate principal amount not to exceed the amount necessary to provide for payment of the Series 2001 Bonds to be refunded, to pay costs of issuance of the Series 2007B Bonds and to provide any necessary reserves. The Series 2007B Bonds shall be in the denomination of \$5,000 or any integral multiples of

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\$5,000 in excess of \$5,000, shall be dated no earlier than the date of this resolution, and shall bear interest from their dated date payable on January 1 and July 1 of each year, commencing January 1, 2008 or on such other dates as may be specified in the Indenture, and shall be fully registered Bonds as provided in the Indenture. The Series 2007B Bonds shall bear interest at the rates per annum that result in a true interest cost not to exceed 6.50% and shall mature on July 1 (or on such other dates as specified in the Indenture) in the years and principal amounts (with a final maturity date not later than 25 years from the date of initial delivery of the Series 2001 Bonds) all as are to be set forth in the Indenture. By adoption of this resolution with unanimous consent of the Board, the Board may lease-purchase the property financed through the issuance of the Series 2001 Bonds over a term longer than 15 years but not longer than a maximum of 25 years pursuant to A.R.S. § 11-251.46.

The forms, terms and provisions of the Series 2007B Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption and number shall be as set forth in the Indenture and are approved.

Section 4. The Preliminary Official Statement in the form approved by the Chief Financial Officer, is authorized and approved, and the Chief Financial Officer is authorized to deem it as "final" for all purposes of Section 240.15c2-12, General Rules and Regulations, Securities Exchange Act of 1934, and its distribution is authorized. The County will cause a final official statement (the "Official Statement") in substantially the form of the Preliminary Official Statement to be prepared and distributed with the Series 2007B Bonds upon initial issuance. The Chairman of this Board and the Chief Financial Officer are each authorized to approve, execute and deliver the Official Statement on behalf of the County and the execution by the Chairman of this Board or the Chief Financial Officer shall be deemed conclusive evidence of that approval. The original purchasers of the Series 2007B Bonds are authorized to use and distribute the Official Statement in connection with the sale of the Series 2007B Bonds.

Section 5. The Series 2007B Bonds may be sold by competitive bid in accordance with a Notice Inviting Bids for the Purchase of Bonds in a form approved by the Corporation and by the County's Chief Financial Officer (the "Chief Financial Officer") or by negotiated sale to one or more firms selected by the Corporation and approved by the Chief Financial Officer from the pool of underwriting firms that has been selected to underwrite securities of the County and its component units, and may be sold either separately or together with bonds of the Corporation to finance additional property and improvements for the County as determined by the Corporation and approved by the Chief Financial Officer. The Chairman of this Board and the Chief Financial Officer are each authorized to approve, execute and deliver bond purchase agreements or other instruments relating to the sale of the Series 2007B Bonds on behalf of the County and the execution by the Chairman of this Board or the Chief Financial Officer shall be deemed conclusive evidence of that approval.

Section 6. The Chief Financial Officer or his designee is authorized, empowered and directed to execute and deliver a Continuing Disclosure Undertaking in such form as may be required to facilitate the sale of the Series 2007B Bonds. When the Continuing Disclosure Undertaking is executed and delivered on behalf of the County as herein provided, the Continuing Disclosure Undertaking will be a binding contract of the County for the benefit of the beneficial owners of the Series 2007B Bonds and the officers, employees and agents of the County are authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Continuing Disclosure Undertaking as executed. The sole remedies for failure to comply with the Continuing Disclosure Undertaking shall be for the beneficial owner of any Series 2007B Bond to seek mandamus or specific performance by court order to cause the County to comply with its obligations under the Continuing Disclosure Undertaking.

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Section 7. The terms and provisions of the Series 2007B Supplement to Lease-Purchase Agreement, the Series 2007B Supplement to Indenture and the Series 2007B Bonds in the form of such documents (including exhibits) approved by the Chairman of this Board or the Chief Financial Advisor are hereby approved, with such additional insertions, deletions and changes as shall be approved by the Chairman of this Board or the Chief Financial Officer, the execution of the Series 2007B Supplement to Lease-Purchase Agreement being conclusive evidence of that approval, and the Chairman of the Board, the Chief Financial Officer and the Clerk of the Board are authorized and directed to execute and deliver the Series 2007B Supplement to Lease-Purchase Agreement and such other documents as are necessary to complete the transaction.

Section 8. If the Chief Financial Officer is advised by the County's financial advisor or the purchasers of the Series 2007B Bonds that the purchase of an insurance policy securing payment of the Series 2007B Bonds or a surety bond or other reserve fund guaranty would be advantageous to the County or the terms of the financing represented by the Series 2007B Bonds, any officer, agent or employee of the County is authorized to negotiate with and secure, with proceeds of the Series 2007B Bonds or otherwise, an insurance policy or a reserve fund guaranty, or both, from one or more institutions the claims-paying ability of which are then assigned one of the two highest rating categories by a nationally recognized credit rating agency. The Chief Financial Officer is further authorized to execute and deliver any instruments or documents necessary in connection with the purchase of an insurance policy and/or reserve fund guaranty concerning matters customary to be covered by such instruments or documents, including, without limitation, any of the following: (a) the terms of the insurance policy and/or reserve fund guaranty and the amounts to be paid for it, (b) procedures for payments pursuant to the insurance policy and/or reserve fund guaranty and reimbursement of amounts advanced, including subrogation of the provider to the rights of owners of bonds receiving payment from monies furnished by the provider, (c) voting rights, (d) remedies, (e) notices and providing of information, and (f) permitted investments of monies. If an insurance policy is obtained with respect to any of the Series 2007B Bonds, the insurer may be deemed to be the owner of the insured Series 2007B Bonds for purposes of demands, requests, consents, waivers or other actions by owners of the Series 2007B Bonds so long as the insurer has not failed to comply with its obligations.

Section 9. The County requests the Corporation and the Trustee to take any and all action necessary in connection with the execution and delivery of the Series 2007B Supplement to Lease-Purchase Agreement and the Series 2007B Supplement to Indenture and the issuance and sale of the Series 2007B Bonds.

Section 10. The County covenants that it will do all things necessary to assist the Corporation and the Trustee in the issuance and delivery of the Series 2007B Bonds.

Section 11. After any of the Series 2007B Bonds are delivered by the Trustee to their purchasers upon receipt of payment therefor, this resolution shall be and remain irrevocable until the Series 2007B Bonds and the interest thereon shall have been fully paid, cancelled and discharged.

Section 12. All actions of the officers and agents of the County or the Board which conform to the purposes and intent of this resolution and which further the issuance and sale of the Series 2007B Bonds as contemplated by this resolution whether heretofore or hereafter taken are ratified, confirmed and approved. The proper officers and agents of the County are authorized and directed to do all such acts and things and to execute and deliver all such documents on behalf of the county as may be necessary to carry out the terms and intent of this resolution. The Chief Financial Officer is delegated

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the authority to appoint the directors of the Corporation and to take all appropriate actions relating to the issuance of the Series 2007B Bonds and the refinancing and redemption of Series 2001 Bonds, including the subscription for the purchase of investment securities to provide for the payment of such Series 2001 Bonds.

Section 13. The Trustee may expend Series 2007B Bond proceeds to purchase bond insurance or other credit enhancement for all or part of the Series 2007B Bonds, if and to the extent directed by the Chief Financial Officer. The Trustee is authorized and directed to pay or cause to be paid the premiums, fees or costs for bond insurance or other credit enhancement, together with all other fees, costs and expenses of issuance, from Series 2007B Bond proceeds.

Section 14. In consideration of the purchase and acceptance of the Series 2007B Bonds by their owners and, in consideration of retaining the exclusion of interest income on the Series 2007B Bonds from gross income for federal income tax purposes, the County covenants with the owners from time to time of the Series 2007B Bonds to neither take nor fail to take any action which action or failure to act is within its power and authority and would result in interest income on the Series 2007B Bonds becoming subject to inclusion as gross income for federal income tax purposes under either laws existing on the date of issuance of the Series 2007B Bonds or under those or similar laws as they may be modified or amended.

The County agrees that it will comply with any and all requirement(s) and will take any and all action(s) as in the opinion of Squire, Sanders & Dempsey L.L.P. ("bond counsel") are necessary to prevent interest income on the Series 2007B Bonds becoming subject to inclusion in gross income for federal income tax purposes. Those requirements may include but are not limited to making further specific covenants; making truthful certifications and representations and giving necessary assurances; complying with all representations, covenants and assurances contained in certificates or agreements to be prepared by bond counsel; to pay to the United States of America any required amounts representing rebates of arbitrage profits relating to the Series 2007B Bonds; filing forms, statements and supporting documents as may be required under the federal tax laws; limiting the term of and yield on investments made with moneys relating to the Series 2007B Bonds; and limiting the use of the proceeds of the Series 2007B Bonds and of the property financed. The Chief Financial Officer is authorized to make one or more elections available under Sections 103 and 141 through 150 of the Internal Revenue Code and declarations of official intent to reimburse amounts advanced for the Project as may be required by Treasury Regulations Section 1.150-2.

Section 15. The Corporation and its purposes and activities are approved. The issuance by the Corporation of the Series 2007B Bonds is approved. The issuance by the Corporation of bonds subsequent to and in addition to the Series 2007B Bonds within five years for purposes of financing property included in the County Five-year Capital Improvement Program approved by this Board is also approved. The County will accept title to the property financed by the Series 2001 Bonds and refinanced by the Series 2007B Bonds and financed by those additional bonds when the bonds that finance that property are discharged.

Section 16. If any section, paragraph, clause or phrase of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause or phrase shall not affect any of the remaining provisions of this resolution.

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Section 17. All orders, resolutions and ordinances or parts of them that are inconsistent with this resolution are waived to the extent only of the inconsistency. This waiver shall not be construed as reviving any order, resolution or ordinance or any part of them.

**DATED** this 21<sup>st</sup> day of March 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**SOLICITATION SERIALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Award**

- 06112-S      Electronic Security Systems, Maintenance/Repair and Parts** (\$5,000,000 estimate/three years with three one-year renewal options) Price agreement to provide Electronic Security Devices maintenance, repair and parts procurement.
- Norment Security Group, Inc.
- 07002-C      Aggregate Materials** (\$4,500,000 estimate/three years with three one-year renewal options) Price agreement to purchase aggregate materials for use by the Department of Transportation in roadway maintenance.
- LaFarge North America
  - MDI Rock
  - Mesa Materials
  - Rinker Materials
  - Vulcan Materials
- 07003-C      Asphaltic Concrete Mix** (\$4,500,000 estimate/three years with three one-year renewal options) Price agreement to purchase asphaltic concrete mix for use by the Department of Transportation in maintenance of roadways.
- Mesa Materials
  - Rinker Materials
  - Vulcan Materials

**Renewals/Extensions:**

The renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

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**Until May 31, 2010**

- 03255-C      Traffic Signing Materials** (\$1,200,000 estimate/three years) Price agreement renewal to provide traffic signage materials for highway maintenance as requested by the Department of Transportation.
- 3M Company-Traffic Signing
  - Zap Manufacturing Inc.
  - Zumar Industries

**Until June 30, 2010**

- 03191-LOI      Mental Health Services/Maricopa County Superior Court II** (\$3,000,000 estimate/three years) Price agreement renewal which provides mental health services to Maricopa County Superior Court as requested by Health Care Mandates and Maricopa County Superior Court.

David Biegen Ed.D  
Arrowhead Medical Plaza II  
Robert A Block Ph. D  
Neuropsychology Associates  
Lorna Gale Cheifetz Psy.D  
Michael Cofield Ph. D  
Bennette Dawson  
Deborah Desprois  
John P Dibacco Ph. D PC  
Celia A Drake PhD PC  
Joseph J Franzetti M.D.  
Forensic Counseling and Evaluations PLLC  
Scottsdale Psychiatric Services  
D J Gaughan Ph. D  
Psychological & Consulting  
Anne E Harris Ph. D  
Sara M Hill Ph. D

Added 12/14/06 (effective 7/1/04)  
Biltmore Evaluation  
John J. Toma, Ph. D  
(Added 11/12/04)  
Maria Dennis  
Jeffrey Lee Trollinger  
(Added 04/20/06)  
Joanne M. Babich  
John H. Raney M.D.  
James S. Thal, Ph. D  
James Younjohn  
Richard Rosengard D.O

Patricia I Johnson Ph. D  
Daniel B Juliano Ph. D  
Martin B Kassell M.D.  
Gwen A Levitt D.O.  
Deborah Joy Lewis  
Jay H. Lucas, Ph. D  
Margaret E. Marshall, Ph. D  
Roger M Martig Ph. D  
Comprehensive Psych Services  
John A Moran Ph. D PC  
Joel E Parker M.D. PC  
Carl J Patrasso Psy D  
Catherine O'Connell PC  
Jack Potts MD  
Julio A Ramirez Ph. D  
Scott Sindelar Ph. D PC

Cancelled 3/21/07 (effective 7/01/07)  
~~Added 11/12/04)~~  
~~Donna R Cross~~  
~~George M Delong~~  
~~Pamela Drapeau MD~~  
~~Erika Kao PhD~~  
~~Susan Downs Parrish PhD~~  
~~June M Stapleton~~  
~~Vector Center~~

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**CAPA**

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

Clerk of Superior Court  
Lisa Keller

Facilities Management  
Leroy Gashwazra  
Frank Mann  
Jason Scott

Internal Audit  
Wendy Thiele

Sheriff's Office  
Jennifer Hargrave  
Jeannette Sims  
Zhi Zeng

Superintendent of Schools  
Josie Griego

**SETTLEMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the proposed settlement offer of \$7,800 from the Tolleson Union High School District No. 214 for violations of the Maricopa County Trip Reduction Ordinance. On November 7, 2006, the Travel Reduction Program (TRP) Regional Task Force reviewed the compliance status of the Tolleson Union High School District No. 214 and voted to seek enforcement penalties. On February 6, 2007, the TRP Regional Task Force agreed to recommend the acceptance of a \$7,800 settlement offer from Tolleson Union High School District No. 214. The proceeds will be deposited into Air Quality's General Fund. This item was discussed in Executive Session on March 19, 2007. (C8507018300) (ADM2356)

**EMERGENCY ALERT SYSTEM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the Maricopa County/Pinal County Local Area plan for the Emergency Alert System. The Chairman of the Board of Supervisors will sign the plan for Maricopa County; other signatories are the Chairman of the Pinal County Board of Supervisors, the National Weather Service, the three local primary radio stations, and the co-chairs of the Arizona State Emergency Communications Committee. The plan will be valid until superseded by an updated version. There is no cost to the county, and no revenue will be generated. (C1503006002) (ADM903)

**EMERGENCY RESPONSE PLAN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the Maricopa County/State of Arizona Palo Verde Offsite Emergency Response Plan. The plan will be valid until superseded by an updated version. The plan will be effective March 1, 2007. There is no cost to the county and no revenue will be generated. (C1507006000) (ADM903)



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**AMENDMENT TO FULL SERVICE LEASE WITH KBS PHOENIX I, LLC, LESSOR**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to retroactively approve and execute the first amendment to full service lease No. L7311 with KBS Phoenix I, LLC, Lessor, for 5,110 square feet of office space located at 1255 W. Baseline, Suite 257 and 270, Mesa, AZ. This amendment will adjust the rental rate for the current lease term, amend the original space agreement to include 1,651 sq. ft of new office space, identify the required tenant improvements, and extend the term of the existing lease from January 28, 2007 to January 27, 2012, with an option to renew for one additional three year term. The lease contains a 180-day termination provision and a six-month holdover provision. The rental rate is: (C8802009401)

<b>Months</b>	<b>Rate</b>	<b>Monthly</b>	<b>Annual</b>
1-12	\$18.50/sf	\$7,877.92	\$94,535.00 plus rental tax
13-24	\$19.00/sf	\$8,090.83	\$97,090.00 plus rental tax
25-36	\$19.50/sf	\$8,303.75	\$99,645.00 plus rental tax
37-48	\$20.00/sf	\$8,516.67	\$102,200.00 plus rental tax
49-60	\$20.50/sf	\$8,729.58	\$104,755.00 plus rental tax

**CONTRACT WITH MVD FOR MOTOR VEHICLE RECORDS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a contract between Maricopa County, via the Environmental Services Department, and Arizona Department of Motor Vehicles (MVD) to allow Environmental Services authorization to receive motor vehicle records from MVD using the Motor Vehicle Record Request System. The contract will go into effect immediately upon the signature of the Chairman of the Maricopa County Board of Supervisor's and the Director of MVD. The contract is effective for a period of three years when the parties may mutually agree to extend the term of the agreement for another three (or fewer) years by entering into a "Joint Letter of Renewal". The cost of this contract is zero dollars. (C8807005000)

**CHANGE ORDER TO CONTRACT WITH CONCORD GENERAL CONTRACTING**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Change Order No. 11 to Contract C7004039800, Concord General Contracting, in the amount of \$1,287,582. This contract is for the continued design build and related professional and construction services for the Phase IV renovation of the Security Building. This work includes remodel of the 4th and 5th floors providing new office space for Risk Management and moving Public Fiduciary out of lease space. (C7004039807)

**CHANGE ORDER TO THE DESIGN-BUILD CONTRACT WITH SAHARA CONSTRUCTION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Change Order No. 2 to the Design-Build contract with Sahara Construction for the Maricopa County Santan Consolidated Justice Courts Project #1612-05-062 in the amount of \$245,075. The project is located in Chandler between Chicago Street, Delaware Street and Frye Road south of the existing Chandler Police/Municipal Court parking. Change Order No. 2 reflects the replacement of the water line that is located in the alley on the west side, the change of carpet to linoleum for clerk revisions, the increased cost of asphalt, the additional cost for the PX6.4 x-ray machine, the addition of landscape benches; delayed egress and card readers to two doors, and the City of Chandler impact fees for water service. (C7005020502)

**AMENDMENTS TO THE FY 2006-07 MAJOR MAINTENANCE PROGRAM**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the following amendments to the FY 2006-07 Appropriated Fund Balance (480) General Fund (100) Major Maintenance (4832) Program:

- a) Increase FY 2005-06 projected expenditures to final actual expenditures for the East Courts Infrastructure Improvements (EEII) project by \$352,972 from \$1,782,000 to \$2,134,972, and adjust the project budget by decreasing Year 1 (FY2006-07) by \$352,972, from \$7,418,000 to \$7,065,028.
- b) Increase FY 2005-06 projected expenditures to final actual expenditures for the Durango Juvenile Infrastructure Improvements (DDII) project by \$659,603 from \$175,000 to \$834,603 and adjust the project budget by decreasing Year 1 (FY2006-07) by \$659,603 from 2,148,000 to \$1,488,397.
- c) Increase FY 2005-06 projected expenditures to final actual expenditures for the Apache Lake (ALSO) project by \$114,486 from \$37,000 to \$151,486 and adjust the project budget as follows: decrease Year 1 (FY2006-07) by \$114,486 from \$846,000 to \$731,514.
- d) Increase FY 2005-06 projected expenditures to final actual expenditures for the MCSO Bartlett Lake Substation Improvement (BLSO) project by \$336,377 from \$66,000 to \$402,377 and adjust the project budget by decreasing Year 1 (FY 2006-07) by \$336,377 from \$1,299,000 to \$962,623.
- e) Increase FY 2005-06 projected expenditures to final actual expenditures for the Canyon Lake (CLSO) project by \$134,420 from \$45,000 to \$179,420 and adjust the project budget as follows: decrease Year 1 (FY 2006-07) by \$134,420 from \$795,000 to \$660,580.
- f) Increase FY 2005-06 projected expenditures to final actual expenditures for the Lake Pleasant Improvements (LPISO) project by \$182,054 from \$62,000 to \$244,054 and adjust the project budget by decreasing Year 1 (FY 2006-07) by \$182,054 from \$518,000 to \$335,946.
- g) Increase FY 2005-06 projected expenditures to final actual expenditures for the Elections Warehouse (ELWA) project by \$2,917 from \$4,000 to \$6,917 and adjust the project budget by decreasing Year 1 (FY 2006-07) by \$2,917 from \$367,000 to \$364,083.
- h) Increase FY 2005-06 projected expenditures to final actual expenditures for the Durango Building Demolition (DUBD) project by \$44,441 from \$15,000 to \$59,441 and adjust the project budget by decreasing Year 1 (FY 2006-07) by \$44,441 from \$274,000 to \$229,559.
- i) Decrease FY 2005-06 projected expenditures to final actual expenditures for the Southeast Reg Infrastructure Improvements (SICU) project by \$7,784 from \$292,000 to

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\$284,216 and adjust the project budget by increasing Year 1 (FY 2006-07) by \$7,784 from \$75,000 to \$82,784.

Also, per A.R.S. §42-17106(B), approve the FY 2006-07 transfer of expenditure authority in the amount of \$1,819,486 from the Appropriated Fund Balance (480) General Fund (100) to the General Government (470) Grant Fund (249). This action reconciles projected and actual FY 2005-06 project expenditures. (C7007036000) (ADM800-003)

**AMENDMENTS TO THE FY 2006-07 MAJOR MAINTENANCE PROGRAM**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the following amendments to the FY 2006-07 Appropriated Fund Balance (480) Detention Fund (255) Major Maintenance (4832) Program:

- a) Decrease FY 2005-06 projected expenditures to final actual expenditures for the Durango Juvenile Infrastructure Improvements (DDII) project by \$402,201 from \$750,000 to \$347,799 and adjust the project budget by increasing Year 1 (FY 2006-07) by \$402,201 from \$1,790,000 to \$2,192,201.
- b) Increase FY 2005-06 projected expenditures to final actual expenditures for the Southeast Juvenile Infrastructure Improvements (SJUI) project by \$976,440 from \$195,100 to \$1,171,540 and adjust the project budget by decreasing Year 1 (FY 2006-07) by \$976,440 from \$1,967,000 to \$990,560.
- c) Decrease FY 2005-06 projected expenditures to final actual expenditures for the Towers Jail Infrastructure Improvements (TIJU) project by \$136,254 from \$800,000 to \$663,746 and adjust the project budget by increasing Year 1 (FY 2006-07) by \$136,254 from \$1,698,000 to \$1,834,254.
- d) Decrease FY 2005-06 projected expenditures to final actual expenditures for the Estrella Jail Infrastructure Improvements (EJIS) project by \$207,987 from \$1,055,900 to \$847,913 and adjust the project budget by increasing Year 1 (FY 2006-07) by \$207,987 from \$1,313,100 to \$1,521,087.
- e) Decrease FY 2005-06 projected expenditures to final actual expenditures for the Lower Buckeye Jail Central Plant (LBJP) project by \$55,232 from \$88,000 to \$32,768 and adjust the project budget by increasing Year 1 (FY 2006-07) by \$55,232 from \$3,563,500 to \$3,618,732.
- f) Increase FY 2005-06 projected expenditures to final actual expenditures for the Durango Jail Infrastructure Improvements (DDJS) project by \$41,000 from \$234,000 to \$275,000 and adjust the project budget by decreasing Year 1 (FY 2006-07) by \$41,000 from \$41,000 to \$0.

Also per A.R.S. 42-17106(B), approve the FY 2006-07 transfer of expenditure authority in the amount of \$215,766 from the Appropriated Fund Balance (480) Detention Fund (255) to the General Government (470) Grant Fund (249). The requested action reconciles projected and actual FY 2005-06 project expenditures. (C7007037800) (ADM800-003)

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**CONSTRUCTION MANAGER AT RISK CONTRACT WITH D.L. WITHERS CONSTRUCTION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve and authorize the execution of Construction Manager at Risk (CMR) Contract No. FMD-07-029 with D.L. Withers Construction, L.C., of Phoenix, Arizona, in the amount of \$3,477,696 to provide survey, grading and site remediation for the Buckeye Hills Shooting Park. At this time, it is anticipated that approximately three additional Guaranteed Maximum Price (GMPs) and contracts will be presented at future dates. The additional GMP construction phases of the contract will be presented to the Board of Supervisors for their approval prior to start of construction. (C7007038500)

**AMEND PREVIOUS BOARD ACTION REGARDING TRANSFER OF EXPENDITURE AUTHORITY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an amendment to agenda item C4407004000 approved on September 25, 2006 by the Board of Supervisors (amended language in quotes).

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority between Planning & Development Department (440) Planning & Development Fees Fund (226) and various Regional Development Services Constellation Departments and Funds.

This action will require an expenditure appropriation adjustment increasing the FY 2006-07 Planning & Development (440) Planning & Development Fees Fund (226) by \$95,028. The action will also require decreasing the following FY 2006-07 budgets by the indicated amounts:

Emergency Management (150) General Fund (100)	\$850
Department of Transportation (640) Transportation Operations (232)	\$36,738
Solid Waste (680) Waste Tire (290)	\$519
Solid Waste (680) Solid Waste Management Fund (580)	\$543
Facilities Management (700) General Fund (100)	\$11,769
Facilities Management (700) Detention Operations Fund (255)	\$2,294
Equipment Services (740) Equipment Services Fund (654)	\$3,408
Air Quality (850) General Fund (100)	\$534
Air Quality (850) Air Quality Fees Fund (504)	\$7,481
Environmental Services (880) General Fund (100)	\$11,136

Subsequently, per A.R.S. § 42-17106(b), approve the transfer of expenditure authority between Planning & Development Department (440) Planning & Development Fees Fund (226) and the following:

General Government (470) General Fund (100) General Contingency (4711)  
"General Government (470) Detention Fund (255) General Contingency (4711)"

General Government (470) General Government Grant Fund (249) General Government Grants (4711).

This action will require an expenditure appropriation adjustment decreasing the FY 2006-07 Planning & Development (440) Planning & Development Fees Fund (226) by \$95,028 and increasing the FY 2006-07 General Government (470) General Fund (100) General Contingency (4711) by \$24,289,"increasing FY 2006-07 General Government (470) Detention Fund (255) General Contingency (4711) by \$2,294", and

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General Government (470) General Government Grant Fund (249) General Government Grants (4711) by \$68,445.

During FY 2006-07 budget development, Planning and Development and the Office of Management and Budget agreed to approve the final budget for newly created Regional Development Services positions (Public Information Officer, Chief Information Officer, and Administrative Director) at the high end of their respective market ranges. These salaries were then allocated appropriately throughout the RDS constellation. After all the positions have been filled and salaries and benefits determined, there is a \$95,028 in savings that can be deducted from the Planning & Development budget and the various other constellation agency budgets and re-appropriated. Approval of this action will allow for this reappropriation. These adjustments will result in a countywide net impact of zero. (Subject to approval of Human Resources) (C4407004002) (ADM3400-003)  
Solid Waste

**ENGINEERING SERVICES FOR CLOSURE OF THE QUEEN CREEK LANDFILL**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize Solid Waste Management Department (SWMD) to retain Hogue & Associates, Consulting Engineers to provide engineering services to assist in the closure of the Queen Creek Landfill. FY2007-08 expenditures in this agenda item are contingent upon the Board approving the recommended FY 2007-08 budget. Total contract value is not-to-exceed \$414,767. (C6707005100)

**EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

DD-9259A                      Project No.: TT011 - Southern Avenue at Dean Road - Warranty Deed - Parcel  
(GL)                              No.: 504-44-021 - Quincy Joist Company, a Delaware Corporation - for the sum of  
\$10.00.

DD-9259A                      Project No.: TT011 - Southern Avenue at Dean Road - Purchase Agreement and  
(GL)                              Escrow Instructions - Parcel No.: 504-44-021 - Quincy Joist Company, a  
Delaware Corporation.

DD-9259-B                      Project No.: TT011 - Southern Avenue and Rainbow Road - Warranty Deed -  
(GL)                              Parcel No.: 504-44-009K - Schuff Steel Company, a Delaware Corporation - for  
the sum of \$10.00.

DD-9259-B                      Project No.: TT011 - Southern Avenue and Rainbow Road - Purchase Agreement  
(GL)                              and Escrow Instructions - Parcel No.: 504-44-009K - Schuff Steel Company, a  
Delaware Corporation.

TT255.001                      Project No.: TT255 - Northern Avenue at Reems Road - Agreement for Right of  
(JPM)                              Entry - Parcel No.: 501-50-001 - Northern Investors Limited Partnership, an  
Arizona limited partnership - for the sum of \$500.00.

TT255.002                      Project No.: TT255 - Northern Avenue at Reems Road - Agreement for Right of

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(JPM) Entry - Parcel No.: 501-48-003A - Huron, L.L.C., an Arizona limited liability company - for the sum of \$500.00.

TT256.004 Project No.: TT256 - Northern Avenue at El Mirage Road - Agreement for Right of  
(JPM) Entry - Parcel No.: 501-46-003K - JIA Corp., an Arizona corporation - for the sum of \$500.00.

**ADDITION OF PROJECT AND CORRESPONDING EXPENDITURE BUDGET**

Pursuant to A.R.S. §42-17106 (B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition of Project T187, Gilbert Road: Loop 202 to Pecos Road with a corresponding expenditure budget of \$815,500 to the FY 2006-07 Transportation Improvement Program (TIP), Department of Transportation (640), Transportation Capital Projects Fund (234), Year 1:

Also, approve an amendment to the current FY 2007-11 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 19, 2006, by decreasing the FY 2006-07 (Year 1) capital budget for the following projects: (C6407184200) (ADM2000-003)

<b>Project Number</b>	<b>Project Name</b>	<b>Capital Budget</b>
T006	Unallocated Force Account	\$500
T098	Williams Field Road: Gilbert-Lindsay	\$190,000
T102	Williams Field Road at Higley Road	\$35,000
T128	67th Avenue: Pinnacle Peak-Happy Valley Road	\$100,000
T176	Low Volume Roads Program	\$75,000
T177	7th Street: Carefree Hwy-Desert Hills	\$240,000
T186	Indian School Road: Old Litchfield-Dysart	\$100,000
T214	SR303 Off-Ramp at Grand Avenue	\$35,000
T224	Ellsworth Road: Hunt Highway-south of Chandler Heights Road	\$40,000

**ROAD FILES VACATE AND ABANDON**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt resolutions to approve the following road file abandonments:

**RESOLUTION  
ROAD ABANDONMENT AB-143R  
C64-07-129-0-00**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,  
ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR  
PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.**

**WHEREAS**, a certain roadway easement located in the general vicinity of 43<sup>rd</sup> Avenue and Elliot Road, was acquired by Maricopa County according to Book 5 of Road Maps, Page 33 and recorded by the Maricopa County Recorder on August 8, 1945; and

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**WHEREAS**, the Maricopa County Board of Supervisors took action to extinguish this easement previously, but the legal description of the easement was incorrect; and

**WHEREAS**, the previous action by the Maricopa County Board of Supervisors to extinguish this easement occurred on December 6, 2006; and

**WHEREAS** the incorrect legal description was:

The East 33 feet of the Northeast quarter of the Northeast quarter of Section 16 – T1S, R2E of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; and

**WHEREAS**, a corrected legal description of the roadway easement to be extinguished, identified as Exhibit "A", is attached; and

**Corrected Legal Exhibit "A"**

The East 33 feet of the Southeast quarter of the Northeast quarter of the Northeast quarter of Section 16 – T1S, R2E of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

**WHEREAS**, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

**WHEREAS**, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

**BE IT THEREFORE RESOLVED** by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

**BE IT FURTHER RESOLVED** that the roadway easement as described in Exhibit "A" is hereby extinguished.

**BE IT FURTHER RESOLVED** that this resolution does not abandon any patent easement that may encumber the property described in Book 5 of Road Maps, Page 33.

**BE IT FURTHER RESOLVED** that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

**BE IT FURTHER RESOLVED** that this resolution amends the previous action taken on December 6, 2006 and that the easement described in the December 6, 2006 action is no longer extinguished.

**DATED** this 21<sup>st</sup> day of March 2007. (C6407129001)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**RESOLUTION  
ROAD ABANDONMENT AB-174**

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**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,  
ARIZONA, DECLARING VARIOUS ROADWAY EASEMENTS TO BE UNNECESSARY  
FOR PUBLIC PURPOSES AND EXTINGUISHING THOSE EASEMENTS.  
(C6407181000)**

**WHEREAS**, certain roadway easements located in the general vicinity of 31st Avenue and Cloud Road were acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes and were recorded by the Maricopa County Recorder as record numbers 2001-0376287, 2001-0376288, 2001-0376293, 2001-0376299, 2002-0033139, 2005-0946746, 2005-1367415, Docket 14250, Pages 825-826 and Docket 9489, Pages 150-151; and

**WHEREAS**, a proposal requesting the extinguishment of the roadway easements have been submitted to Maricopa County; and

**WHEREAS**, access to an established roadway has been preserved as required by A.R.S. §28-7215; and

**WHEREAS**, a legal description of the roadway easements to be extinguished, identified as Exhibit "A", is attached; and

**WHEREAS**, it has been determined by the Maricopa County Department of Transportation staff that the easements proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishments be approved; and

**WHEREAS**, Maricopa County is authorized to extinguish the roadway easements as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

**BE IT THEREFORE RESOLVED** by the Board of Supervisors of Maricopa County, Arizona, that the roadway easements as described in Exhibit "A" are no longer necessary for public purposes.

**BE IT FURTHER RESOLVED** that the roadway easements as described in Exhibit "A" are hereby extinguished.

**BE IT FURTHER RESOLVED** that this resolution does not abandon any patent easement that may encumber the roadway easements as described in Exhibit "A".

**BE IT FURTHER RESOLVED** that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

**DATED** this 21<sup>st</sup> day of March 2007. (C6407181000)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**EXHIBIT A**

Those portions of the South Half of Section 35 – T6N, R2E of the G&SRB&M, Maricopa County, Arizona, described as follows:



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Portions of the Southwest quarter and the Southeast quarter of Section 35 - 6N, R2E of the G&SRB&M, Maricopa County, Arizona described as follows:

The East 25 feet of said Southwest quarter.

EXCEPT the North half of Lot 2 of said Section 35 and

EXCEPT the South half of the South half of said Lot 2.

The West 25 feet of Lot 3 of said Section 35.

EXCEPT the South 55 feet and

EXCEPT that portion lying North of the South 1029.21 feet of said Lot 3.

The West 40 feet of the Southwest quarter of the Northwest quarter of said Southeast quarter.

The West 25 feet of the Northwest quarter of the Northwest quarter of said Southeast quarter.

Together with a curvilinear parcel BEGINNING at the intersection of the East line of the West 25 feet and the North line of said Southeast quarter; thence Easterly along said line a distance of 20 feet to a point on a curve concave Northwesterly having a 45 foot radius with the center of said curve being the Center of said Section; thence, 30.59 feet along said curve, in a Southwesterly direction through a central angle of 38°56'33 to a point of tangent curve concave Southeasterly having a radius of 45 feet; thence, 30.59 feet along said curve, in a Southwesterly direction through a central angle of 38°56'33 to a point on the East line of the West 25 feet of the Southeast quarter of said Section; thence, Northerly along said East line to the POINT OF BEGINNING

**RESOLUTION  
ROAD ABANDONMENT AB-140  
C64-07-185 - 0 - 00**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,  
ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR  
PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.**

**WHEREAS**, a certain roadway easement located in the general vicinity Duane lane and 56<sup>th</sup> Street was acquired by Maricopa County by means of Easement for highway Purposes on July 16, 1971, and recorded by the Maricopa County Recorder as Docket 8825, Pages 321 and 322; and

**WHEREAS**, a proposal requesting the extinguishment of the roadway easement has been submitted to Maricopa County; and

**WHEREAS**, a legal description of the roadway easement to be extinguished, identified as Exhibit "A", is attached; and

**WHEREAS**, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

**WHEREAS**, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

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**BE IT THEREFORE RESOLVED** by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

**BE IT FURTHER RESOLVED** that the roadway easement as described in Exhibit "A" is hereby extinguished.

**BE IT FURTHER RESOLVED** that this resolution does not abandon any patent easement that may encumber the property described in Docket 8825, Pages 321 and 322.

**BE IT FURTHER RESOLVED** that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. 28-7210.

**DATED** this 21<sup>st</sup> day of March 2007. (C6407185000)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A

The North 25 feet of the Northwest quarter of the Southwest of the Northwest quarter of the Northwest quarter of Section 28 - T5N, R4E of the G&SRB&M, Maricopa County, Arizona. EXCEPT the West 55 feet thereof.

**ANNEXATION BY THE TOWN OF BUCKEYE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Town of Buckeye of County right-of-way annexation within Southern Avenue between Miller Road and Apache Road, in accordance with Ordinance No. 88-06. (C6407182000) (ADM4202-002)

The South 33 feet of Section 29, Township 1 North, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. And  
The North 33 feet of Section 32, Township 1 North, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona

**ANNEXATION BY THE CITY OF GOODYEAR**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the City of Goodyear of County right-of-way within Camelback Road from Perryville Road to Cotton Lane, Indian School Road from Perryville Road to Citrus Road, Citrus Road from Indian School Road to Camelback Road and Perryville Road from Indian School Road to Camelback Road, all in accordance with Ordinance No. 2006-1023. (C6407187000) (ADM4208-002)

**PERRYVILLE ROAD**

A parcel of land situate in a portion of the east half of section 21 and a portion of the west half of section 22, township 2 north, range 2 west of the gila and salt river base and meridian, Maricopa County, Arizona, more particularly described as follows:  
beginning at the southeast corner of said section 21, monumented by a 3" maricopa county department of transportation brass cap in a hand hole, from which the east

quarter corner of said section 21, monumented by a 3" maricopa county department of transportation brass cap in hand hole, bears as a basis of bearings north 00°22'58" east, a distance of 2637.72 feet;  
thence north 89°20'44" west along the southerly line of the southeast quarter of said section 21, a distance of 33.00 feet to a point on a line parallel with and 33.00 feet westerly of the easterly line of the southeast quarter of said section 21;  
thence north 00°22'58" east along said parallel line, a distance of 2637.68 feet to a line parallel with and 33.00 feet westerly of the easterly line of the northeast quarter of said section 21;  
thence north 00°23'02" east along said parallel line, a distance of 988.96 feet;  
thence north 89°36'55" west, a distance of 22.00 feet to a line parallel with and 55.00 feet westerly of the easterly line of the northeast quarter of said section 21;  
thence north 00°23'02" east along said parallel line, a distance of 1605.49 feet to a line parallel with and 43.00 feet southerly of the northerly line of the northeast quarter of section 21;  
thence south 89°36'55" east along said parallel line, a distance of 55.08 feet to a point on a line parallel with and 43.00 feet southerly of the northerly line of the northwest quarter of said section 22;  
thence south 89°50'09" east along said parallel line, a distance of 54.92 feet to a point on a line parallel with and 55.00 feet easterly of the westerly line of the northwest quarter of said section 22;  
thence south 00°23'02" west along said parallel line, a distance of 2594.78 feet to a point on a line parallel with and 55.00 feet easterly of the westerly line of the southwest quarter of said section 22;  
thence south 00°22'58" west along said parallel line, a distance of 2637.60 feet to a point on a line parallel with and 55.00 feet easterly of the westerly line of the southwest quarter of said section 22;  
thence north 89°44'18" west along said southerly line, a distance of 55.00 feet to the true point of beginning.  
the above described parcel of land contains 460,441 square feet or 10.5703 acres more or less.  
said lands subject to easements, rights of way, restrictions and reservations of record, if any.

**CITRUS ROAD**

A parcel of land situate in a portion of the east half of section 22 and a portion of the west half of section 23, township 2 north, range 2 west of the gila and salt river base and meridian, Maricopa County, Arizona, more particularly described as follows:

commencing at the southeast corner of said section 22, monumented by a 3" maricopa county department of transportation brass cap in a hand hole, from which the east quarter corner of said section 22, monumented by a 2" maricopa county aluminum cap, bears as a basis of bearings north 00°18'10" east, a distance of 2641.56 feet;  
thence north 00°18'10" east along the easterly line of the southeast quarter of said section 22, a distance of 33.00 feet to a point on a line parallel with and 33.00 feet northerly of the southerly line of the southeast quarter of said section 22 and the true point of beginning;  
thence north 89°45'19" west along said parallel line, a distance of 33.00 feet to a point on a line parallel with and 33.00 feet westerly of the easterly line of the southeast quarter of said section 22;

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thence north 00°18'10" east along said parallel line, a distance of 2608.54 feet to a point on a line parallel with and 33.00 feet westerly of the easterly line of the northeast quarter of said section 22;  
thence north 00°18'20" east along said parallel line, a distance of 2583.73 feet to a point on a line parallel with and 58.00 feet southerly of the northerly line of the northeast quarter of said section 22;  
thence south 89°49'57" east along said parallel line, a distance of 33.01 feet to a point on a line parallel with and 58.00 feet southerly of the northerly line of the northwest quarter of said section 23;  
thence south 89°34'10" east along said parallel line, a distance of 32.99 feet to a point on a line parallel with and 33.00 feet easterly of the westerly line of the northwest quarter of said section 23;  
thence south 00°18'20" west along said parallel line, a distance of 2583.75 feet to a point on a line parallel with and 33.00 feet easterly of the westerly line of the southwest quarter of said section 23;  
thence south 00°18'10" west along said parallel line, a distance of 2608.32 feet to a point on a line parallel with and 33.00 feet northerly of the southerly line of the southwest quarter of said section 23;  
thence north 89°59'45" west along said parallel line, a distance of 33.00 feet to the true point of beginning.  
the above described parcel of land contains 342,688 square feet or 7.8670 acres more or less.  
said lands subject to easements, rights of way, restrictions and reservations of record, if any.

#### **INDIAN SCHOOL ROAD**

A parcel of land situate in a portion of the southeast quarter of section 21, the south half of section 22, the southwest quarter of section 23, the northwest quarter of section 26, the north half of section 27 and the northeast quarter of section 28, township 2 north, range 2 west of the gila and salt river base and meridian, maricopa county, arizona, more particularly described as follows:

commencing at the southeast corner of said section 22, monumented by a 3" maricopa county department of transportation brass cap, from which the south quarter corner of said section 22, monumented by a 2" maricopa county aluminum cap, bears as a basis of bearings north 89°45'19" west, a distance of 2636.58 feet;  
thence north 00°18'10" east along the easterly line of the southeast quarter of said section 22, a distance of 33.00 feet to a point on a line parallel with and 33.00 feet northerly of the southerly line of the southwest quarter of said section 23 and the true point of beginning;  
thence south 89°59'44" east along said parallel line, a distance of 33.00 feet to a point on a line parallel with and 33.00 feet easterly of the westerly line of the southwest quarter of said section 23;  
thence south 00°18'10" west along said parallel line, a distance of 33.00 feet to a point on a line parallel with and 33.00 feet easterly of the westerly line of the northwest quarter of said section 26;

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thence south 00°17'16" west along said parallel line, a distance of 33.00 feet to a point on a line parallel with and 33.00 feet southerly of the northerly line of the northwest quarter of said section 26;  
thence north 89°59'44" west along said parallel line, a distance of 33.00 feet to a point on a line parallel with and 33.00 feet southerly of the northerly line of the northeast quarter of said section 27;  
thence north 89°45'19" west along said parallel line, a distance of 2636.61 feet to a point on a line parallel with and 33.00 feet southerly of the northerly line of the northwest quarter of said section 27;  
thence north 89°44'18" west along said parallel line, a distance of 2561.92 feet to a point on a line parallel with and 75.00 feet easterly of the westerly line of the northwest quarter of said section 27;  
thence north 00°22'26" east along said parallel line, a distance of 33.00 feet to a point lying on the northerly line of the northwest quarter of said section 27;  
thence north 89°44'18" west along said northerly line, a distance of 10.00 feet to a point on a line parallel with and 65.00 feet easterly of the westerly line of the southwest quarter of said section 22;  
thence north 00°22'58" east along said parallel line, a distance of 33.00 feet to a point on a line parallel with and 33.00 feet northerly of the southerly line of the southwest quarter of said section 22;  
thence south 89°44'18" east along said parallel line, a distance of 2571.82 feet to a point on a line parallel with and 33.00 feet northerly of the southerly line of the southeast quarter of said section 22;  
thence south 89°45'19" east along said parallel line, a distance of 2636.60 feet to the true point of beginning.  
the above described parcel of land contains 345,608 square feet or 7.9341 acres more or less.  
said lands subject to easements, rights of way, restrictions and reservations of record, if any.

#### **CAMELBACK ROAD**

A parcel of land situate in a portion of the south half of section 14, the south half of section 15, the south half of section 16, the north half of section 21, the north half of section 22 and the north half of section 23, township 2 north, range 2 west of the gila and salt river base and meridian, Maricopa County, Arizona, more particularly described as follows:

beginning at the northwest corner of said section 22, monumented by a 3" maricopa county department of transportation brass cap in a hand hole from which the north quarter corner of said section 22, monumented by a 3" maricopa county department of transportation brass cap in a hand hole bears as a basis of bearings south 89°50'09" east, a distance of 2,633.22 feet;  
thence north 00°24'27" east along the westerly line of the southwest quarter of said section 15, a distance of 23.00 feet to a point on a line parallel with and 23.00 feet northerly of the southerly line of the southwest quarter of said section 15 and the true point of beginning;

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thence south 89°50'09" east along said parallel line, a distance of 2633.00 feet to a point on a line parallel with and 23.00 feet northerly of the southerly line of the southeast quarter of said section 15;

thence south 89°49'57" east along said parallel line, a distance of 2633.16 feet to a point on a line parallel with and 23.00 feet northerly of the southerly line of the southwest quarter of said section 14;

thence south 89°34'10" east along said parallel line, a distance of 2636.88 feet to a point on a line parallel with and 23.00 feet northerly of the southerly line of the southeast quarter of said section 14;

thence south 89°33'59" east along said parallel line, a distance of 2635.44 feet to a point lying on the easterly line of the southeast quarter of said section 14;

thence south 00°20'38" west along said easterly line, a distance of 23.00 feet to the southeast corner of said section 14, monumented by a 3" maricopa county highway department brass cap in hand hole;

thence south 00°13'17" west along the easterly line of the northeast quarter of said section 23, a distance of 33.00 feet to a point on a line parallel with and 33.00 feet southerly of the northerly line of the northeast quarter of said section 23;

thence north 89°33'59" west along said parallel line, a distance of 2635.60 feet to a point on a line parallel with and 33.00 feet southerly of the northerly line of the northwest quarter of said section 23;

thence north 89°34'10" west along said parallel line, a distance of 2636.75 feet to a point lying on the easterly line of the northeast quarter of said section 22;

thence south 00°18'20" west along said easterly line, a distance of 10.00 feet to a point on a line parallel with and 43.00 feet southerly of the northerly line of the northeast quarter of said section 22;

thence north 89°49'57" west along said parallel line, a distance of 2633.00 feet to a point on a line parallel with and 43.00 feet southerly of the northerly line of the northwest quarter of said section 22;

thence north 89°50'09" west along said parallel line, a distance of 2633.18 feet to a point on a line parallel with and 43.00 feet southerly of the northerly line of the northeast quarter of said section 21;

thence north 89°36'55" west along said parallel line, a distance of 33.08 feet to a point on a line parallel with and 33.00 feet westerly of the easterly line of the northeast quarter of said section 21;

thence north 00°23'02" east along said parallel line, a distance of 43.01 feet to a point on a line parallel with and 33.00 feet westerly of the easterly line of the southeast quarter of said section 16;

thence north 00°24'27" east along said parallel line, a distance of 22.99 feet to a point on a line parallel with and 23.00 feet northerly of the southerly line of the southeast quarter of said section 16;

thence south 89°36'55" east along said parallel line, a distance of 32.95 feet to the true point of beginning.

the above described parcel of land contains 644,998 square feet or 14.8071 acres more or less.

said lands subject to easements, rights of way, restrictions and reservations of record, if any.

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**IMPROVEMENTS TO INTERSECTION OF 89TH AVENUE AND WILLIAMS ROAD**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement between Maricopa County and City of Peoria for improvements to the Intersection of 89th Avenue and Williams Road. The Board of Supervisors by Resolution in May 2002 approved the implementation of the Transportation Advisory Board (TAB) Special Project Fund authorized by Maricopa County Department of Transportation (MCDOT) Policy T113, to respond to proposed projects that TAB considers worthy of funding, but are not programmed in MCDOT's Transportation Improvement Program. TAB awarded the City of Peoria \$100,000. (C6407188200)

**BIDS AND AWARD FOR MCDOWELL MOUNTAIN ROAD: TOWN OF FOUNTAIN HILLS CITY LIMITS TO FOREST ROAD**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the solicitation of bids for McDowell Mountain Road: Town of Fountain Hills City Limits to Forest Road, MCDOT Project No. T108; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2007-08 and FY 2008-09 budgets. This project consists of widening the existing pavement by five feet on each side of the roadway to create room for bicycle lanes on this popular bicycle route. Federal funds will be used to help pay for the construction. (C6407189500)

**APPOINTMENTS AND RESIGNATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following appointments and resignation:

- a. **Building Code Advisory Board** – Reappoint Vince Territo, Licensed Architect and Robert Ghan, Licensed Engineer, whose term is effective from March 31, 2007 through March 30, 2011. (C0607063900) (ADM3414-001)
- b. **Citizens' Transportation Oversight Committee** – Appoint Jeffrey Schwartz, representing Supervisorial District 2, whose term is effective from the date of Board approval through March 20, 2010. (C0607070900) (ADM2047-001)

Supervisor Stapley commented on Mr. Schwartz as his new appointment to this committee, saying it plays a very important role in the oversight of the freeway system along with MAG and the cities and counties. He expressed his pleasure that Mr. Schwartz had accepted this appointment.

Blue Crowley, citizen, expressed his agreement with Supervisor Stapley regarding Mr. Schwartz's appointment to this committee. Crowley said he had attended last night's CTOK meeting when the District 4 appointee term expired, and he lauded the excellent work he had done on that committee. He commented that more of the community should be aware of this committee and the work they do since this is not just oversight on the freeways but covers all transportation oversight aspects. He asked the public to submit their input, thoughts and ideas, to the committee members.

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- c. **Aggregate Mining Operation Zoning District Recommendation Committee** – Accept the resignation of Larry Walker and appoint C.R. Herro, representing Industry Members, who will fill the unexpired term effective from the date of Board approval through October 5, 2007. (C0607071900) (ADM3441)

Supervisor Wilson thanked Larry Walker for his service and congratulated Mr. Herro as his new nominee.

**REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS**

Item: The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

No vouchers were presented for approval or ratification and no staff updates on regional schools operations and finances were given to the Board of Supervisors at this meeting. (ADM3814-005)

**PUBLIC HEARING SCHEDULED – FRANCHISES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to set the following public franchise hearings to be heard at the Supervisors' Auditorium at 205 W. Jefferson, Phoenix, AZ 85003.

- a. Pursuant to A.R.S. §40-283, set a public hearing for 9:00 a.m. on Wednesday, April 18, 2007, to solicit comments and consider the application by Eagletail Water Co., LLC, for a public service franchise for a domestic water distribution system. The hearing will consider whether the applicant is able to adequately maintain facilities in county rights-of-way. Pending approval by the Board of Supervisors, the franchise will be granted upon the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months of approval by the Board of Supervisors and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. Upon approval, authorize the Chairman to sign the Franchise Resolution. (C0607067700) (F23228)
- b. Pursuant to A.R.S. §40-283, set a public hearing for 9:00 a.m. on Wednesday, April 18, 2007, to solicit comments and consider the application by Water Utility of Northern Scottsdale, for an extension to an existing public service franchise for a domestic water distribution system. The hearing will consider whether the applicant is able to adequately maintain facilities in county rights-of-way. Pending approval by the Board of Supervisors, the franchise will be granted upon the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within



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six months of approval by the Board of Supervisors and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. Upon approval, authorize the Chairman to sign the Franchise Resolution. (C0607072700) (F22986)

**PUBLIC HEARING SCHEDULED – ROAD FILE DECLARATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to set a public hearing at 205 W. Jefferson, Phoenix, to declare the following road into the county highway system for 9:00 a.m., Wednesday, April 18, 2007:

**Road File No. 5354.** In the vicinity of Deer Valley Drive and 151st Avenue. (C6407186000)

**PUBLIC HEARING SCHEDULED – PLANNING AND ZONING CASES**

Motion was made by Supervisor, seconded by Supervisor, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for April 18, 2007, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows:

Z2006-059; Z2006-095

**CLERK OF THE BOARD CONSENT AGENDA**

**INDUSTRIAL DEVELOPMENT AUTHORITY – CATHOLIC HEALTHCARE WEST**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). These items are being considered by the Board of Supervisors solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board approve the proceedings under which bonds of the Industrial Development Authority of the County of Maricopa are issued: (ADM4792) (C0607073A00)

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA HEALTH FACILITY REVENUE BONDS (CATHOLIC HEALTHCARE WEST), IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$225,000,000 (THE “BONDS”)**

**INDUSTRIAL DEVELOPMENT AUTHORITY – BELL LAKES APARTMENTS PROJECT, SERIES 2007**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). These items are being considered by the Board of Supervisors solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board approve the proceedings under which bonds of the Industrial Development Authority of the County of Maricopa are issued: (C0607074A00) (ADM4792)

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**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF NOT TO EXCEED \$33,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA MULTIFAMILY HOUSING REVENUE BONDS (BELL LAKES APARTMENTS PROJECT) SERIES 2007A (THE "SERIES 2007A BONDS") AND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA MULTIFAMILY HOUSING REVENUE BONDS (BELL LAKES APARTMENTS PROJECT) SERIES 2007B BONDS (THE "SERIES 2007B BONDS", AND TOGETHER WITH THE SERIES 2007A BONDS, THE "BONDS")**

**INDUSTRIAL DEVELOPMENT AUTHORITY – NATIONAL VOLUNTARY HEALTH FACILITIES II PROJECT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt the following captioned Resolution on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). These items are being considered by the Board of Supervisors solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board approve the proceedings under which bonds of the Industrial Development Authority of the County of Maricopa are issued: (C0607075A00) (ADM4792)

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE PUBLIC HEARING RELATED TO THE RE-ISSUANCE OF BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA FOR NATIONAL VOLUNTARY HEALTH FACILITIES II PROJECT**

**ASRS CLAIMS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. (ADM3309-001)

<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>COUNTY PAYMENT</b>	<b>RECORDED AMOUNT</b>	<b>DIFFERENCE</b>
Walljasper	Dixie	\$16,512.03		
Hill	Ann	\$25,626.77		
Devereaux	Denise	\$2,511.70		
Campbell	Roy	\$2,087.91		
Brodhagen	Keith	\$20,728.52		
Arvanaghi	Stacey	\$11,012.27		
Babbitt	Samuel	\$1,129.69		
Clingan	Lisbeth	\$29,914.50	\$32,951.08	\$3,036.58
Lopez	Graciela	\$388.03		

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**APPOINTMENTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following Official Appointments for the:

- Clerk of the Board - Dennis "Shane" Wikfors as Limited Duty Special Deputy Clerk
- County Recorder's Office - Richard Acuna, Gary Bilotta, Jessica Brown, Greg Bunce, and Anthony Mares as Deputy Recorder.

**CANVASS OF ELECTIONS**

No canvasses of elections were submitted by special districts for this meeting.

**CLASSIFICATION CHANGES**

No changes of classification were requested by the Assessor for this meeting. (ADM723)

**DONATIONS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the donation reports received from county departments for February 2007. (ADM1810)

Cash donation to the Sheriff's Office      \$856.85

**DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and/or ratify duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
The RGU Group	370030206	Expense	\$384.49
Southwest Regional Landfill	370027332	Expense	\$60.40
Canon Business Solutions West	360557788	Expense	\$1,297.20
Adrian Fontes	370034764	Expense	\$5,300.00
Juanita Morris	270037150	Payroll	\$1,697.83
Chad Halmark	270000942	Payroll	\$807.65
Net Transcripts Inc	370013241	Expense	\$290.40
Marlene R Hinton	250031091	Expense	\$131.36
Maricopa Medical Center	370012156	Expense	\$4,206.46
Arika Guest	370014978	Expense	\$100.00

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**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Sun Life	Alhambra SD #68	470079983	\$7,221.69
NFL Youth Experience	Phoenix Elem SD #1	470083173	\$400.00
ACTE/AZ	Saddle Mountain Unified SD #90	470016679	\$380.00
US Health Works	Fountain Hills Unified SD #98	470040668	\$245.00
Best Practices in Education	Osborn SD #8	140088453	\$2,056.00
Yolanda Hernandez	Roosevelt SD #66	66515462	\$332.92
Joshi Mehul	Fowler SD #45	170071954	\$87.73
Samantha Taylor	Higley Unifies SD #60	470069563	\$114.56
Patricia Ashby	Litchfield Elementary SD	470077048	\$5,184.00
Danielle Rudolfo	Agua Fria Union High SD #216	170032456	\$9.51
Danielle Rudolfo	Agua Fria Union High SD #216	170036956	\$11.89
Danielle Rudolfo	Agua Fria Union High SD #216	170041991	\$23.78
Charles Edmond	Tolleson Union High SD #214	170077068	\$233.15
Marcella Granillo	Isaac SD #5	5798319	\$1,741.00
Key Curriculum Press	Queen Creek SD #95	470078684	\$2,309.01
Sprinkler World of Arizona	Alhambra SD #68	470065674	\$166.59
Time for Kids	Litchfield Elementary SD	470023651	\$64.50

**MINUTES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held September 5, 2006, September 18, 2006 and November 1, 2006.

**MINUTES CORRECTIONS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the typographical corrections to the Board of Supervisors' minutes. (ADM726-001)

<b>ORIGINAL BOS DATE</b>	<b>BASE INFORMATION</b>	<b>INCORRECT ITEM</b>	<b>CORRECTED ITEM</b>
6/21/06 BOS	Community Action Programs	Incorrect Town	Change to Town of Buckeye
2/4/04 BOS	Administrative Procedure HR 2422	Correct ADM from 632- 004	Correct ADM 635
12/16/99 BOS	Presentation of Planning Results	No ADM	Add ADM 807
2/17/05 BOS	Air Pollution Control Regs	Correct ADM from 2357	Correct ADM 2354
12/15/04 BOS	Air Pollution Control Regs, Rule 314	Correct ADM from 2357	Correct ADM 2354
6/26/02 BOS	Salary Advancement Policy	Correct ADM from 3321	Correct ADM 635

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6/26/02 BOS	Salary Advancement Policy	No Policy #	Add policy # HR2418
2/1/06 BOS	West End Water Franchise	Correct date from 2/22/04	Correct date 2/22/05
9/6/06 BOS	Planning & Zoning Case S2006-002	Case revised by Board	Add Clerk's Note to clarify
9/26/06 BOS	Planning & Zoning Case S2006-002	Case revised by Board	Add Clerk's Note to clarify
9/21/05 BOS	Dental Rates	Rates not included	Add Dental Rates
9/21/05 BOS	Dental Rates	Subsequent Action	Add Clerk's Note re: subsequent action (12/20/06) to amend rates
2/2/05 BOS	Certified Tax Roll	Tax Roll Approved	No Tax Roll submitted.
1/18/06 BOS	Certified Tax Roll	No ref: to Certified Tax Roll	Add "Accept Certified Tax Roll for 2006"

**MINUTES CORRECTIONS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to correct the minutes of November 1, 2006, item number C1807009100, to reflect the correct dollar amount listed in the minutes as the total project expenditure budget amount. The dollar amount is changed from \$91,5000,000 to \$91,500,000. (ADM726)

**PRECINCT COMMITTEEMEN**

Pursuant to A.R.S. §16-821, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the appointment and cancellation of appointment of Precinct Committeemen. The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1701)

**PROPERTY RE-CLASSIFICATION APPEAL CASES**

- Pursuant to A.R.S. §42-12052, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following property owner's appeal to re-classify listed properties, which have satisfied the requirements of occupancy status, and re-classify properties to class three properties (owner occupied). Waive assessed penalties and liens. Direct the County Assessor to re-classify properties to class three (owner occupied), pursuant to A.R.S. §42-12003. (ADM310-001)

ALI RIYAD, R	102	33	336
MONARDO, NICHOLAS A	212	10	200
MORRIS, CRYSTAL	300	46	031
HARB, HASSAN A	509	14	036

- Pursuant to A.R.S. §42-12052, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to deny (with one exception, see below) the following property owner's appeal to re-classify listed properties, which have not satisfied the requirements of occupancy status, and maintain property classification at

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class four property (non-owner occupied). The class four property classification (non-owner occupied), remains in effect. (ADM310-002)

RIVERA, RICHARD W	104	77	316
RIVERA, RICHARD W	162	03	068
RIVERA, RICHARD W	168	15	088
TANG, DAVID/FATIMA	508	12	338

Property owner, Richard Rivera, spoke on this item during public comment to ask for reconsideration and leniency on the denial of his appeal saying he had not received the first notice and had responded late to subsequent notices. Mr. Rivera cited personal emergencies as the cause of his tardiness.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue Mr. Rivera's case (only) to the April 4, 2007, meeting to obtain legal advice on this issue and to deliberate a possible reconsideration based on his request. Other owner appeals remain as class four properties.

**SECURED TAX ROLL**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

<b>YEAR</b>	<b>FROM NO.</b>	<b>TO NO.</b>	<b>AMOUNT</b>
2003	27619	27627	-\$49,382.68
2004	14360	14372	-\$60,334.64
2005	17189	17214	\$254,962.02
2006	9056	9384	\$0.00
2003	27628	27631	\$4,079.98
2004	14373	14380	\$3,147.84
2005	17215	17238	-\$11,932.82
2006	9385	9480	-\$52,394.38
2002	20433	20433	-\$136.50
2003	27649	27659	-\$38,090.52
2004	15156	15171	-\$57,308.00
2005	17285	17308	-\$130,542.42
2006	9569	9618	-\$238,671.98
2005	18083	18440	-\$56,356.68
2004	15186	15543	-\$12,405.28
2003	27662	28014	-\$50,316.50
2006	9620	9774	-\$490,672.04
2005	18034	18082	-\$181,220.72
2004	15172	15185	-\$22,992.46
2003	27660	27661	-\$25,158.24

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**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of tax cases dated March 21, 2007. (ADM704)

<b>2004</b>	<b>2007</b>
TX2005-050230	ST2006-000055
<b>2004/2005</b>	ST2006-000047
TX2004-000062	ST2006-000050
<b>2005</b>	ST2006-000057
TX2005-000030	ST2006-000072
<b>2005/2006</b>	ST2006-000080
CV2004-023866	ST2006-000083
<b>2006</b>	ST2006-000088
ST2005-000123	ST2006-000094
ST2006-000125	ST2006-000097
TX2005-050190	ST2006-000098
TX2005-050209	ST2006-000107
TX2005-050359	ST2006-000112
	ST2006-000158
	TX2006-000129
	TX2006-000139

**STALE DATED WARRANTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Landamerica Transnation	\$1,108.37
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**TAX ABATEMENTS**

No requests for tax abatements were received from the Treasurer's Office for this meeting. (ADM708)

**CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

Blue Crowley, citizen, gave a website address, [www.azdot.gov/ptd](http://www.azdot.gov/ptd), for citizens interested in voicing an opinion on the Governor's questionnaire, "What we want done in transportation" and asked all who are interested in this aspect of Valley growth to insert their ideas and thoughts on line. He said that currently 50% of rural roadways are not up to standard and that within the metroplex more than 30% of roadways have no transit and no plans for transit. Regarding "connectivity," as touted in the transportation plan, he said that if a bus is added to the super grid of a Glendale route it does not necessarily connect to the super grid in the Scottsdale route. He advised that when a super grid is laid out, "you need to have the lines in that grid connect." (ADM605)

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**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Stapley reported on a webcast held last week on the Arizona Meth Project saying that more than 100 people had viewed and commented on it prior to general release. He said the Project preliminaries are going well and it will launch on April 18, 2007 as scheduled. (ADM606)

Supervisor Stapley reported that he had spoken to the Iowa State Association of Counties for NACo and it had been an interesting experience to see the differences between their government structure and that of Maricopa County. Iowa has 99 counties and there were more than 600 registered participants at the meeting. He said that Iowa is already getting involved in the 2008 presidential primaries as Iowa is one of the first to hold a primary election. The candidates from both parties are becoming frequent visitors to Iowa and other states with early primaries. He also said he shared Maricopa County's experience with the prescription drug cards that have received wide distribution, and from which many success stories are being received from constituents.

Supervisor Wilson said he had attended a sold-out performance at the Maricopa County Performing Arts Center, formerly known as the old Sundome, and the Board of Supervisors were listed in the credits. The show featured Patti Page, the Ink Spots and Gary Deere and he felt the interest was so great that twice as many tickets could have been sold. He encouraged residents to support this venue.

Supervisor Wilson also reminded all that an Air Show will be held at Luke AFB this next Saturday and Sunday and he encouraged all to go out and see the Thunderbirds perform. He added that there will be opportunities to see old planes from WW II and the late 1950's as well as the Air Force's Thunderbirds at their very best. He said transportation from parking lots located outside the base will be provided, and added, "If you haven't seen the Thunderbirds before you're in for a treat and if you have seen them before you won't want to miss it."

Supervisor Kunasek said he had a story about Supervisor Wilson to share since he knew Mr. Wilson would never tell it on himself. He referenced another "great donation" that was made to the Sundome over the weekend, this one by Supervisor Wilson who committed to donate his one-year Supervisors' salary to the non-profit group that runs the Sundome. Supervisor Kunasek added, "I'm happy that you didn't challenge all of us to do the same because my wife would change the locks on the house." He lauded Supervisor Wilson for his act of generosity.

Supervisor Wilcox reported that she had represented the County at the groundbreaking for the YMCA in Maryvale and the Board had been thanked for the creative donation given by the County. She indicated that David Smith had received a special thanks for working out a coordinated effort in which the County will house a juvenile probation office and a teen court in the facility.

Chairman Brock said that a big spring clean-up will be held by his district, the City of Tempe, ASU, a local HOA and others, who will do the cooperative cleanup on a County island along the river bottom between Tempe and Scottsdale from 8:00 to 11:30 a.m. next Saturday, March 24<sup>th</sup>. There will be refreshments, candy bars, and water provided and all civic-minded individuals are invited to come and help for a short or long period during the morning hours. He also reminded people to participate in the Bring Back Blue campaign by taking public transportation three times during March instead of driving to work.



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**PLANNING AND DEVELOPMENT**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CODE ENFORCEMENT REVIEWS**

**[Please note:** The following Code Enforcement Reviews are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support his decision, or whether a procedural error may have occurred. New evidence is not considered at these hearings.]

**CODE ENFORCEMENT REVIEW – ALLAN AND HEIDI SHERMAN**

Chairman Brock called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2003-01459, Allan and Heidi Sherman. (ADM3417-043)

Darren Gerard said this violation was opened in November 2003 and reported on details of the case. At a hearing on December 12, 2006, a hearing officer found the respondent to be non-compliant and ordered a fine of \$300 plus \$30 per diem starting immediately from the hearing date. To date, no as-built permits have been issued and the site remains non-compliant. Accruing fines now total \$3,270.

Heidi Sherman said they had plans drawn by an architect for covered horse stalls that were submitted last November for an area that was originally a carport and storage shed and which they wished to turn into horse stalls. She said they had attended all previous hearings, but at the last hearing, after submitting plans in November, she had called and was told she did not have to attend because the department had her drawings. She didn't attend and the fine was set.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to uphold the hearing officer's order of judgment.

**CODE ENFORCEMENT REVIEW – DAVID BENEFIELD - CONTINUED**

Chairman Brock called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2006-00282, David Benefield. (ADM3417-044)

Darren Gerard said this complaint was opened in February 2006, went to a hearing officer on December 12, 2006, and Mr. Benefield was found to be responsible and a fine was ordered for \$300 plus \$30 per diem. The site remains non-compliant with accruing fines totaling \$3,270.

Charles Basset, representing David Benefield, said Mr. Benefield had tried several times to apply for a permit for the cargo container (C-Can) he has placed on his property (the only item from the original complaint that still remains in question) but was told each time that it does not fit into any field for which Planning issues a permit. Mr. Basset reported that the hearing officer had asked Mr. Alvine, of the Planning Department, what kind of permit Benefield needed to complete and Alvine could not answer the question but said 'he just needs to submit an application so the grounds can be inspected.' Mr. Benefield

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submitted plans, which were accepted but he was subsequently told they were not acceptable after all. Basset explained that Mr. Benefield was willing to do whatever was necessary but no one could tell him what that was. He said a process had finally gotten started and asked that the fines be waived and the process allowed to continue to completion.

Chairman Brock asked if Mr. Benefield was now claiming compliance. Mr. Basset said he could argue that his client was never out of compliance because the C-Can doesn't fit into any of the categories of non-compliance that Planning and Development covers with a permit.

Mr. Benefield explained his position and the confusion surrounding the issues that caused the violations. He stressed his seeming inability to learn what he needed to do to rectify the situation. He said that he is familiar with and works with the County codes and is not aware of any that would cover something like a C-Can but he was willing to do whatever was necessary if someone could tell him what that was. Discussion ensued and touched upon the reported RV and septic tank on his property – early issues which Benefield said have now been resolved.

Chairman Brock said that verification of the paperwork on the septic tank should be addressed and suggested continuing this matter for two weeks to allow additional time for compliance clarification.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this case to the April 4, 2007, meeting when verification of information provided about specific concerns including the septic tank can be presented, and to give the compliance officer time to revisit the site and report back to the Board on the compliance issue.

**CODE ENFORCEMENT REVIEW – JOSE AND JULIA SERRANO – CONTINUED**

Chairman Brock called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2005-01957, Jose and Julia Serrano. (ADM3417-045) The Clerk announced an additional case number in this review, No. V2005-02049.

Darren Gerard said this item involves two cases with grading/moving dirt and obstructing water flow without a permit, and running a business from the site without proper zoning. The cases were opened in October and November 2005. He said that the natural downstream drainage had been altered and on-site washes have been blocked by cement placed both upstream and downstream to prevent the graded driveway from being washed out. The improperly zoned business is for port-a-pottys, with storage on the property and trucks parked there. The hearing officer, on July 26, 2006, found the respondent responsible and ordered fines of \$300 plus \$30 per diem and this order was reiterated at a second hearing in January 2007. The site remains non-compliant today. Accruing fines for the two cases, if consolidated, now total \$7,290.

Craig Keller, representing the property owners, said they are contesting the lack of procedural due process in the hearing held on July 27, 2006, on the alleged violations because Mr. Serrano did not fully understand or comprehend the charges at that time due to his limited understanding of English. The record indicates that Mr. Serrano asked for an interpreter, but one could not be found. The hearing continued and the judgment was handed down.

Mr. Keller explained that there is a 1988 easement allowing access to neighboring property, and this was disregarded by the hearing officer. He said the adjacent property owner had filled in the wash to protect the roadway so he could get his semi-trucks back to his property. Mr. Keller requested the Board to send

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this matter back to the hearing officer, so all of the issues could be heard with an interpreter, which would allow Mr. Serrano to cross-examine those making accusations against him as is his constitutional right.

Supervisor Wilson asked for a legal opinion and Terry Eckhardt said he had listened to both hearing tapes and felt assured that Mr. Serrano had understood the issues as presented at the July 2006 hearing since he had a very lucid discussion with the hearing officer during the pause while an interpreter was being sought. He said that Mr. Serrano participated at the second hearing and had not asked for an interpreter and he does not believe there was a violation of Mr. Serrano's due process.

Supervisor Wilson asked how, if the wash was cleaned-out, it could be monitored and enforced, and who would be charged if it was to be filled in again by a party other than Mr. Serrano. Mr. Eckhardt said that Mr. Serrano owns the property, the wash is on his property and the violation is on his property and that's why the charges were brought against him. He said that a search for the owner of the easement could be done and if it is the adjacent property owner, he could also be brought in as a defendant at a new hearing.

Supervisor Kunasek asked if the County had an obligation to provide interpreters or if it was the duty of the person who needed the interpreter to bring one with him. Mr. Eckhardt said the Planning Department does not employ anyone to use as an interpreter but would look into the issue of standards. Supervisor Kunasek asked Mr. Keller if he was aware of a law requiring the County to provide an interpreter.

Mr. Keller replied that once a commitment is made to provide an interpreter and one is being searched for – and during that search a hearing officer should not continue with the questioning and elicit statements contrary to the interest of the landowner – and then claim there is no obligation to provide an interpreter. He then questioned Mr. Eckhardt's estimation, from listening to the tape, as to whether due process violations against the 14<sup>th</sup> Amendment rights of the U.S. Constitution and also rights under the Arizona Constitution had occurred.

Discussion ensued on several points: 1. whether this is a Constitutional law case or a flagrant disregard for the zoning laws of the County; 2. whether Mr. Serrano had any obligation to seek understanding by either bringing an interpreter or by taking written orders he received on the hearing to be interpreted; 3. whether this case should be remanded to the hearing officer for a new hearing; 4. whether the County is required to provide an interpreter for an administrative hearing; 5. the rights on the easement and the neighbor's alleged actions and responsibility, or if that issue is a matter that should be settled between the two neighbors.

Mr. Keller said that Mr. Serrano and the neighboring property owner are already parties in a Superior Court case on these issues and he thought it would take a global settlement to enforce the easement rights.

Motion was made by Supervisor Wilson and seconded by Supervisor Wilcox to continue this case to the May 16, 2007, meeting with instructions to the respondent to work on the property clean-up issue. Supervisor Wilcox felt that an interpreter should be provided as is done in a court case.

Supervisor Kunasek and Mr. Eckhardt asked to clarify that the motion is not to remand this case to a hearing officer for a rehearing and Supervisor Wilson said it was to be continued for 60 days to see if an agreement could be reached between staff and Mr. Serrano. Mr. Eckhardt asked about the fines that are accruing daily. Supervisor Wilson suggested that these be frozen until the May 16<sup>th</sup> hearing.

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Joy Rich clarified that Supervisor Wilson was looking for compliance within 60 days and he said compliance and a satisfactory solution on the question of the easement. The question was again raised on remanding the case to a new hearing where Mr. Keller could present his case and the easement discussed. Supervisor Wilson maintained his original motion and suggested the Serranos contact an expert engineer to advise them. Motion carried unanimously (5-0) to continue this case to the May 16, 2007, hearing.

**CODE ENFORCEMENT REVIEW – CHARLES AND JEAN RODERICK – CONTINUED**

Chairman Brock called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2005-00708, Charles and Jean Roderick. (ADM3417-047)

Darren Gerard said there were multiple charges in this case which was opened in April 2005 on a citizen complaint for "running a junk yard" and there has been no effort to bring the property into compliance since that time. It was heard by a hearing officer on January 25, 2007 and the Rodericks were found to be responsible and a fine set for \$300 plus \$30 per diem, which now totals \$1,950. He presented photos showing numerous vehicles and unpermitted structures on site.

Thomas Roderick, son of the respondent, testified saying said the first notice his family received was on November 30, 2006, and this would be the only certified mail receipt found in the case file. He added that the fines began barely three months later. He indicated that he has done all possible to bring the property into compliance and the property is different today than shown in the photos. He planned to file a permit for one storage unit later today and said this is the only remaining violation he is aware of. He said he has removed vehicles that were in violation and all remaining vehicles are registered. Discussion ensued prompted by questions from Supervisor Wilson who also asked Joy Rich if their photos were current.

Ms. Rich said they had no photos to show what the property looks like today as follow-up visits are triggered by a request from the property owner and they have received none.

Mr. Roderick said that the record shows that the first notice of violation was sent to a bank in Michigan that held the deed on the property at that time, which was prior to its purchase by his parents, and he claimed that this shows that it was not mailed to the property owner. His parents didn't receive a notice until 18 months later. He believed that he could have had the property cleaned up if he'd had those months to work on it before the fine was set last January.

Joy Rich offered to have a compliance review done to learn the current status of the property and report back to the Board in two weeks, and this offer was accepted. Ms. Rich said that the fine would be determined based on the date compliance is verified.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this case to the April 4, 2007, meeting to give time for a compliance review on current status of the property.

**CODE ENFORCEMENT REVIEW – JERRY MITCHELL – WITHDRAWN**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2005-01983, Jerry Mitchell. (ADM3417-048)

Joy Rich announced that Mr. Mitchell has achieved compliance and this case has been withdrawn.

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~ Chairman Brock declared a five-minute break ~  
~ Supervisor Wilcox left the meeting ~

**PLANNING AND DEVELOPMENT ITEMS**

**CONSENT AGENDA**

1.     **Z2006-166     District 4**  
      **Applicant:**    Element Homes for Apex Capital, Standard Pacific Homes, Lennar, and Element Homes  
      **Location:**    East of Perryville Road, between Camelback Road and Bethany Home Road (in the Glendale area)  
      **Request:**     Major Amendment to the R1-10 zoning district (approximately 160 acres) – Savannah

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2006-166, subject to stipulations “a” through “h”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 8-0.

- a.     Development of the site shall be consistent with the zoning exhibit entitled “Zoning Exhibit for Savannah”, consisting of one (1) full-size sheet, dated revised February 6, 2007, and stamped received February 8, 2007, except as modified by the following stipulations.
- b.     Development of the site shall comply with the narrative report entitled “A Rezoning Exhibit, Savannah, A Residential Neighborhood”, consisting of eight (8) pages, dated revised January 24, 2007 and stamped received January 24, 2007 except as modified by the following stipulations.
- c.     The development shall remain in compliance with stipulations from Z2002107 and S2004049, as applicable.
- d.     The master developer shall notify future homeowners that they are located within the state-defined “territory in the vicinity of a military airport” with the following language:

“You are buying a home or property in the ‘vicinity of a military airport’ as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base     jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

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Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- e. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- f. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- g. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- h. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the Planning Commissions recommendation for approval with stipulations "a" through "h."

- 2. S2005-015 District 4**  
**Applicant:** Coe and Van Loo, on behalf of Standard Pacific Homes  
**Location:** Near Happy Valley Road and Vistancia Boulevard (in the north Peoria area)  
**Request:** Final Plat in the R1-6 RUPD zoning district for Coldwater Ranch Estates, Unit 3 (approximately 36.3 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this final plat.

- 3. S2006-040 District 4**  
**Applicant:** Maracay Bethany Estates II & Maracay Homes  
**Location:** Northwest corner of Maryland Avenue and 125th Avenue (in the Glendale area)

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**Request:** Final Plat in the R1-10 RUPD zoning district for Falcon View Subdivision (approximately 29.53 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this final plat.

- 4. S2006-068 District 4**  
**Applicant:** Larry Aungst  
**Location:** North of the northwest corner of Deer Valley Road and Veterans Drive (in the Sun City West area)  
**Request:** Final Plat in the R1-6 RUPD zoning district for Fitzpatrick Ranch (approximately 4.96 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this final plat.

**REGULAR AGENDA**

- 5. Z2005-049 District 4 (requires a  $\frac{3}{4}$  super-majority vote for approval)**  
**Applicant:** One Step Beyond, Inc. for Jim & Ellie Rio.  
**Location:** South of Country Gables Drive and east of 83rd Avenue (in the north Peoria area)  
**Request:** Special Use Permit (SUP) for an educational facility for disabled adults and teenagers in the Rural-43 zoning district (approximately 1.02 acres) – One Step Beyond, Inc.

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005-049, subject to stipulations “a” through “v”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled “One Step Beyond Inc., Stepping Out Training Program for Disabled Young Adults”, consisting of one (1) full-size sheet, dated revised December 29, 2006, and stamped received January 8, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Application for Special Use Permit One Step Beyond Inc., Stepping Out Training Program for Disabled Young Adults” consisting of nine (9) pages, dated revised November 26, 2006 and stamped received November 29, 2006, except as modified by the following stipulations.
- c. The hours of operation for the facility shall be limited to 8:00 AM to 5:00 PM, Monday through Friday and no more than three (3) special events per year to end no later than 9:30 PM.
- d. The number of students shall be limited to 15 for each program with a maximum of 5 employees.

- e. No structures, landscaping, fence, wall, or terrace or other obstruction to view in excess of two feet in height as measured from the centerline of the street shall be placed within the required 25-foot sight visibility triangles.
- f. There shall be no off-site parking permitted for day to day operations of the facility. All facility functions with the potential to generate more parking requirements than spaces currently provided within the facility shall be held off of the premises with the exception of three (3) special events to be held per year. Parking for the social event shall be accommodated within the facility and the surplus within the parking area provided by the adjacent church.
- g. All trees shall be double-staked when installed.
- h. A continuous parapet shall screen all roof-mounted equipment.
- i. The following Maricopa County Department of Transportation (MCDOT) stipulation shall be adhered to:
  - Pave drives in County right-of-way to property line on Country Gables Drive
- j. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- k. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- l. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- m. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- n. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- o. This Special Use Permit shall expire five (5) years from the date of approval by the Board of Supervisors.
- p. The applicant shall submit a written report outlining the status of the development at the end of one (1) year from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.



- q. The owner shall notify future owners that they are located within the State-defined "Territory in the Vicinity of a Military Airport" with the following language:
- "You are buying property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Habitable buildings should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity
- Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.
- Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.
- Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.
- For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."
- r. All habitable buildings shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- s. Major changes to the Special Use Permit (site plan and narrative report), or the stipulations of approval, shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- t. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- u. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

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- v. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard reported on the case background for this facility operating without a permit for two years in an unauthorized zoning area. He said the City of Peoria did not protest this educational facility for disabled teenagers and adults, but there were enough neighborhood protests to trigger a super-majority vote of the Board. He explained that the Planning Commission approved the Special Use Permit unanimously and staff also recommends approval.

Those requesting to speak in favor of the applicant on this case included Mimi Rogers, Andy Moore and James Rio. Those requesting to speak in opposition to approval of this SUP were Fred Treguboff and Pat Strichland.

~ Supervisor Wilcox entered the meeting room ~

Andy Moore said this facility, One Step Beyond, was badly needed by those who are disabled to help them learn different modalities that will help them become independent and self sustaining in the every-day world in which they must compete. He said it has been highly successful and Mimi Rogers, who started the program has met with neighbors within the required approval area of 300 square feet to listen to their reservations and to make changes to accommodate them wherever possible.

Ms. Rogers said they have had to move the site once and she started sessions soon after finding the second site because of pressure from those individuals who transferred to the new site and who needed to continue their training. She had believed it would take only a few weeks to get the necessary permit, as it had at the first location, however, it has taken much longer than anticipated. She said she realized she needs to come into compliance and wished to do so as quickly as possible.

Jim Rio said he was working with Ms. Rogers to establish a cooking school as a jobs program at the facility to train those who were interested in learning those job skills. He reported that this would be a pioneer program for this kind of study and would enable some disabled adults to become gainfully employment.

Pat Strichland, citizen, spoke in opposition, saying she has lived there since August 1972 and does not want precedent set so that other similar facilities could move in. She said that the letters of support have been from those who use the facility and not from neighbors living in the vicinity and asked why those letters should carry more weight than the wishes of nearby neighbors. She added she is just trying to preserve what they had there 35 years ago.

Fred Treguboff, citizen, said he lives four houses away from One Step Beyond, had lived there for 35 years and was interested in preserving the lifestyle they have had on that County island. He said he was not against One Step Beyond but feared the precedent it sets in contributing to future erosion of their lifestyle.

Supervisor Wilson said that Mr. Treguboff had brought up a good point in the letter he hand delivered to his office earlier today and he was having a difficult time resolving it. This was the zoning requirements on this residential section of land and also the residential rights of those who have lived there for some years. Wilson commended One Step Beyond and its mission but said they moved into a residential neighborhood and began operation without getting the necessary permits and now have come to ask for "forgiveness" and a special consideration. He explained that it would be like asking him to support

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something that he doesn't believe was "legal" to begin with, and to just forget the rules because this is such a worthy enterprise.

Supervisor Wilcox recognized the difficulty with this case and the precedent it could set but added that these types of facilities are needed throughout the Valley. However, she felt that only one would be needed in an area and vowed that if this SUP is approved she would not support a second SUP for a similar facility in this area in the future. She added that the facility has been in operation for some time and there have been no complaints of encroachment on the residents of the area and she felt it could be viewed as a positive learning experience for all.

Supervisor Stapley agreed that this was a very difficult emotional issue to adjudicate but added that it was necessary to take emotion out of it and look at what the law allows. He said a Special Use Permit is not permanent like rezoning is and if approved this would have to be renewed in a few years. However, he felt that neighborhood opposition takes precedence over an applicant who moves in and wants to use a residential property in a non-conforming manner. He said that if neighbors are still in opposition he does not feel approval is appropriate but would support a motion either way, adding he could support it as an exception to the rule.

Supervisor Kunasek asked which neighbors were adjoining and which were non-supportive. Discussion ensued on the specifics of the support/non-support issue with neighbors.

Supervisor Wilson reiterated his problem area in that the applicant has been operating the facility in violation of the zoning ordinance for some time and is now asking us to, "make it okay," after the fact.

Despite the recommendation from the Planning Commission for approval, motion was made by Supervisor Wilson to deny this Special Use Permit. Motion was seconded by Supervisor Stapley with the caveat that Ms. Rogers be given a six-month period to transition to another property. The question was raised on operation of the facility without a SUP during that six-month time period since they are known to be in violation.

Terry Eckhardt advised that the motion could be to deny without opening a code violation for at least six months.

Supervisor Wilson amended his motion to deny the SUP to include the caveat that a code violation would not be opened for at least six months to facilitate an easier transition to another site. Supervisor Stapley seconded the amended motion. Motion carried with a unanimous roll call vote of 5-0 with Supervisors Wilson, Stapley, Kunasek, Wilcox and Brock voting "aye."

- 6.      Z2006-021      District 5 (Continued from 02-07-07)**  
**Applicant:**      ARCADIS G&M, Inc. for Estrella 160, LLC  
**Location:**      Northeast corner of Tuthill Road and Narramore Road (in the Rainbow Valley area)  
**Request:**      Rezone from Rural-43 to R1-35 (approximately 160 acres) – Aurora Valley

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of Z2006-021, subject to the following stipulations "a" through "i". Commissioner Makula seconded the motion, which passed with a unanimous vote of 6-0.

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- a. Development of the site shall comply with zoning exhibit, Preliminary Plat, and conceptual landscape plan entitled "Zoning Exhibit for Aurora Valley and Zoning Case Z2006021 and Preliminary Plat Subdivision Case S2006011" consisting of four (4) full-size sheets, dated revised October 19, 2006, and stamped received October 19, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Aurora Valley Narrative for Rezone from Rural-43 to R1-35 and Preliminary Plat", consisting of thirty-seven (37) pages, dated revised October 19, 2006, stamped received October 19, 2006, except as modified by the following stipulations.
- c. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  - I. Provide a total half-width of 65' right-of-way on Tuthill Road and Narramore Road.
  - II. The applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per dwelling unit. The applicant may choose to construct off-site street improvements in lieu of payment of this contribution. An area study shall be provided to determine the regional transportation needs and the appropriate contribution. Roadways shall meet County standards in effect at the time they are improved. If the applicant chooses not to construct off-site regional roadway improvements, the applicant shall pay the contribution amount at the time individual building permit are issued, or per an alternate agreement as approved by MCDOT.
  - III. Provide all-weather access to subdivision.
  - IV. Any landscaping in County right-of-way must meet Chapter 9 (Roadway Design Manual).
- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all roof-mounted equipment.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground mounted.
- g. All interior streets within the proposed development are to be constructed to minimum County standards.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.

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- j. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- k. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- l. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard said the Rainbow Valley Citizens group collected a petition with 146 signatures in opposition to this rezoning, and this represents 9.26% of the surrounding property owners by acreage and almost 22% by number. He said this is not great enough to trigger a super-majority vote. The recommendation is for approval. He said that Supervisor Wilcox met with the citizens' group and new stipulations "m" "n" "o" "p" "q" and "r" were drawn up and presented, and in a subsequent meeting with the applicant the new stipulation "n" was revised to read as follows:

- n. Fencing for the subdivision will consist of a combination of solid and view fencing along Narramore Road and Tuthill Road. Masonry walls and solid fencing greater than 48 inches in height and segments longer than 300 feet shall be prohibited. All open areas that have perimeter walls will be restricted to view fencing only with masonry walls no greater than 48 inches in height. A note to this effect shall be included on the final plat.

Supervisor Wilcox spoke of her meeting with residents who were looking at all aspects of their community in an organized manner when making suggestions for the new stipulations. She remarked that the developer and the community had both compromised to accept changes.

Motion was made by Supervisor Wilcox to concur with the Planning Commission recommendation for approval with stipulations "a" through "i" and with the six new stipulations, to include the change to stipulation "n" as given above. She noted with her motion that the developer has agreed to work with the neighborhood before the final plat so the design of the fencing, which is part masonry and part view-quarter iron will be discussed and this language will be reflected in the final plat. Motion was seconded by Supervisor Kunasek.

Karen Bedell, citizens' committee member, came forward to address this issue. Ms. Bedell is a resident of Rainbow Valley and is opposed to changing the zoning that would change the familiar rural area to one with subdivisions and fences and create a divide between "them and us." She said that residents want to keep their open, rural development lifestyle and don't want to be fenced in or out.

Dee Nassoy, citizens' committee member, said she moved to Rainbow Valley for the lifestyle for herself and her children despite the fact that she must drive 50 miles to her work in Tempe. She said it is worth the drive knowing she will return each night to a home where it is peaceful, quiet and open, and she

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wants to keep it that way. She said the residents treasure openness, they do not want walls of any kind and do not want to be divided. She asked the Board to reconsider the block wall issue.

Supervisor Wilcox thanked the citizen committee for their hard work and for the many excellent features they insisted be added to the development stipulations that will benefit everyone living in Rainbow Valley.

Supervisor Wilcox's motion to concur with the recommendation of the Planning Commission to change the zoning carried unanimously (5-0) with stipulations "a" through "l," and with new stipulations "m" through "r," as given below.

- m. All homes in the Aurora Valley shall be limited to single story. A note to this effect shall be included on the Final Plat.
- n. Fencing for the subdivision will consist of a combination of solid and view fencing along Narramore Road and Tuthill Rd. Masonry walls and solid fencing greater than 36" in height in segments longer than 300' shall be prohibited. All open space areas that have perimeter walls will be restricted to view fencing only with masonry walls no greater than 48" in height. A note to this effect shall be included on the Final Plat.
- o. If a Final Plat is not approved and recorded within five (5) years from the date of R1-35 zoning approval by the Board of Supervisors then the site may be scheduled for public hearing by the Board of Supervisors to consider reversion to Rural-43 zoning after recommendation by staff and the Planning & Zoning Commission.
- p. All interior street lighting will be shielded and directed downward at least 20 degrees below the horizontal plane. A note to this effect shall be included on the Final Plat.
- q. A non-vehicular multi-use trail easement shall be provided on the property adjacent to Narramore Rd. to allow equestrian and hiking use for the general public. The easement shall be delineated on the Final Plat.
- r. The Final Plat shall include a note that states "Aurora Valley is located in and surrounded by an equestrian community and thus will be subject to noise, dust, odor, flies, and other potentially adverse impacts associated with the keeping of large animals."

- 7. Z2006-054 District 1**
- Applicant:** Kurt Reed & Associates for Arizona Avenue and Riggs LLC and Holliday Park Realty Corp.
- Location:** West of Arizona Avenue and south of Riggs Road (in the Chandler area)
- Request:** Rezone from C-2 PD to C-2 CUPD, Major Amendment to the C-2 CUPD zoning district, Precise Plan of Development in the C-2 CUPD zoning district, and removal of a Special Use Permit (SUP) for a mini-warehouse (approximately 15.45 acres) – The Village at Sun Lakes

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2006-054, subject to the following stipulations "a" through "t". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 9-0.

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- a. Development of the site shall comply with the zoning exhibit entitled "Retail Site The Village at Sun Lakes", consisting of one (1) sheet, dated Aug 28, 2006 and stamped received January 12, 2007, except as modified by the following stipulations. Within thirty (30) days of BOS approval the applicant shall submit a revised plan with the amended CUPD table shown in stipulation "e" of this report.
- b. Development of the site shall be in conformance with the narrative report entitled "Project Narrative for Village at Sun Lakes Retail Site", consisting of nine (9) pages, dated (revised) January 10, 2007, and stamped received January 12, 2007, except as modified by the following stipulations. Within thirty (30) days of BOS approval the applicant shall submit a revised narrative with the amended CUPD table shown in stipulation "e" of this report and include as an addendum, building elevations w/partial floor plans of all Shops.
- c. Development of the site shall be in conformance with the landscape plan entitled "PAD 'A' SWC of Riggs Rd & Arizona Ave.", consisting of three (3) pages, dated December 7, 2006, and stamped received January 12, 2007, except as modified by the following stipulations.
- d. Development of the site shall be in conformance with the comprehensive sign package entitled "Comprehensive Sign Plan the Village at Sun Lakes" consisting of 15 pages stamped received January 12, 2007
- e. The following CUPD table shall appear in both the narrative and the site plan.

<b>CUPD CHART</b>			
<b>Regulation</b>	<b>C-2 MCZO Standard</b>	<b>C-2 CUPD Approved (Z2000146)</b>	<b>C-2 CUPD proposed</b>
Average Lot Area/Dwelling Unit	N/A	1	N/A
Minimum Lot Size	6,000 sq. ft.	644,688 sq. ft.	6,000 sq. ft.
Minimum Lot Width	60'	580'	60'
Maximum Lot coverage	60%	60%	60%
Front yard setback	10'	10'	10'
Rear yard setback	25'	None	None
Side yard setback	10'	10'	10'
Minimum distance between buildings	N/A	N/A	N/A
Maximum building height/stories	40'/3 stories	40'/1	36'/1
Screen Walls	6' rear 3' parking screen walls 6' trash enclosure walls	N/A	N/A
Parking	1:250 sf 1: 100 sq. ft. outdoor dining	T.B.D.	1:250 sq. ft. floor 1:100 sq. ft. outdoor dining
Accessible Parking Loading/unloading	5" provided 1:25,000 sq. ft.	11	5% of provided 7
Signage Arizona Ave	3 signs 150 sq. ft. max per sign not to exceed 200 ft. aggregate 1 sign 150 sq. ft. max	50' sq. ft. one side & 400 sq. ft. aggregate	See sign package  Maximum 14' (H) sign on Riggs Rd.
Riggs Rd. Height of sign Wall Signs	24' 15% bldg front face	14' per MCZO	

- f. All trees shall be double-staked when installed.
- g. A continuous parapet shall screen all roof-mounted equipment.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened.
- i. The applicant shall submit final plans and drainage report to the Arizona Department of Transportation (ADOT) office for their review and comment prior to building permit issuance.



- j. The applicant shall comply with all of the Arizona Department of Water Resources (ADWR) conditions for abandonment of a well. A copy of the Well Owners Notification of Abandonment shall be submitted to the Maricopa County Planning and Development Department prior to final occupancy of the first building of the commercial center.
- k. Development of the site shall comply with Maricopa County Department of Transportation (MCDOT) requirements including the following:
  - Construct ultimate half-width improvements including pavement, curb, gutter and sidewalk on Riggs Road.
  - The applicant must construct all improvements recommended in the MCDOT approved TIS.
- l. Any landscaping in state/county right-of-way must comply with State/County requirements
- m. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) and ADOT for landscaping or other improvements in the right-of-way.
- n. At the time of building permit application, the applicant shall submit a revised Grading and Drainage Plan and Drainage Report with the following revisions:
  - The cover sheet of the Preliminary Drainage Report shall be sealed with signature and date by AZ Civil P.E.
  - Provide a table of contents and references in Preliminary Drainage Report. The table of contents shall be sealed with signature and date by AZ Civil P.E.
  - Revise the Grading and Drainage Plan referenced with the Drainage Report. The basins call out shall agree with drainage basin exhibit. The Plan shall be sealed with AZ Civil P.E. signature and date.
- o. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- p. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- q. Prior to zoning clearance developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

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- r. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- s. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- t. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard reported on the background of this rezoning case for the Village at Sun Lakes to allow a commercial retail shopping center. This is in compliance with the City of Chandler's general plan specifications for the area. He reported that there is an organized opposition by residents. The recommendation is for approval with the above stipulations "a" through "t" and a new stipulation "u" that Mr. Gerard read, as follows:

- u. The shopping center developer shall reconstruct a meandering eight foot high decorative masonry wall to buffer the residential uses to the west from the shopping center for a length of 485 ft. The wall may be built on Sun Lakes property if the Sun Lakes HOA provides written authorization. The wall may also be constructed with openings to allow golf cart access directly for Sun Lakes into the shopping center if the golf cart circulation path can be agreed to by the Sun Lakes HOA and the shopping center developer.

Chairman Brock asked if the developer is in agreement with stipulation "u." Mr. Gerard replied that the planner on this case has been in contact with the developer's representative and he believed the developer had some concerns with this stipulation.

Three citizens requested to speak, Blye Zaysoff, Bob Spruiell and Susan Stewart, Ms. Stewart is in favor of the rezoning request. Chairman Brock called Ms. Zaysoff to speak and she deferred her time to Mr. Spruiell.

Bob Spruiell, Phase II Sun Lakes, said there are 3,810 homes in Phase II and 7,000 residents in this retirement community. He warned that there would be "7,000 sidewalk superintendents watching this project." He questioned the wall type, construction, and placement in stipulation "u" and Mr. Gerard responded that there were many options and no hard answers at this time as it was still being negotiated. He did say that the existing wall is not strong enough to have blocks added to it.

Mr. Spruiell also addressed the 14 foot high monument sign saying the McDonald's sign next to it is 10 feet high and they strongly recommend the monument sign be limited to ten feet as well. He asked that the developer be aware that residents will "be watching" the construction hours and the dust. Mr. Gerard said the County ordinance on construction hours is County-wide and not project specific.

Susan Stewart, Greenstreet Properties, said they have worked extensively with the neighbors, which has resulted in having few issues left to resolve. The backlighting along the rear of the project was conceded

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to the use of wall packs down lighting, which were studied to make sure all areas of the parking space were adequately lit. She named and commented on several other issues such as building height, signage size/height and the wall.

In outlining problems with the current wall she proposed a compromise with two options. The first would be to find a way to reinforce the weak footing of the current wall, a solution that she felt was least likely to prevail. The second would be to remove the 485 feet of existing wall and replace it with a six foot wall, which is code. She said their plan was to build the wall on HOA property and when completed turn it over to them. She added that they were prepared to commit to this today. They received an email from the planner yesterday on an eight-foot meandering wall with walking and golf cart paths and said they did not know where this idea had begun but they had not been aware of it. She said the developer was prepared to bring the non-compliant wall to code.

The Chairman called Mr. Spruiell back to the lectern to comment on the wall. Mr. Spruiell said he hadn't asked for an eight foot wall and suggested a possible compromise of seven foot or to code. He did recommend that a temporary cyclone fence be put up for security reasons if the old wall is torn down.

Darren Gerard suggested changing the wording in proposed new stipulation "u" to remove "meandering" and "decorative" and to refer to the wall simply as reconstruction of a seven-foot high masonry wall.

At 1:08 p.m. Supervisor Stapley named the three areas at issue and suggested that Ms. Stewart and Mr. Spruiell meet in the rear of the auditorium to negotiate and resolve all issues while the Board heard the next item, and report back at the end of the meeting when a vote could be taken, and this was done.

The Board heard the remaining P&D cases, but did not include the last code enforcement case awaiting the arrival of the respondent's attorney. The Chairman reverted to this case at 1:21 p.m. and asked representative parties if a compromise had been reached.

Ms. Stewart reported an agreement on Greenstreet as follows: removing the 485 foot long 5½ foot tall current wall and replacing it with a seven foot block wall that to continue the length of the site; and also to reduce the height of their multi-tenant sign to ten feet to comply with the ten foot, one-tenant, McDonald's sign.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval, with stipulations "a" through "t" and with amended stipulation "e" and new stipulation "u" as given below.

- e. The following CUPD table shall appear in both the narrative and the site plan.

CUPD Chart			
Regulation	C-2 MCZO Standard	C-2 CUPD Approved (Z2000146)	C-2 CUPD proposed
Average Lot Area/Dwelling Unit	N/A	1	N/A
Minimum Lot Size	6,000 sq. ft.	644,688 sq. ft.	6,000 sq. ft.
Minimum Lot Width	60'	580'	60'

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Maximum Lot coverage	60%	60%	60%
Front yard setback	10'	10'	10'
Rear yard setback	25'	None	None
Side yard setback	10'	10'	10'
Minimum distance between buildings	N/A	N/A	N/A
Maximum building height/stories	40'/3 stories	40'/1	36'/1
Screen Walls	6' rear 3' parking screen walls 6' trash enclosure walls	N/A	N/A
Parking	1:250 s.f. 1: 100 sq. ft. outdoor dining	T.B.D.	1:250 sq. ft. floor 1:100 sq. ft. outdoor dining 5% of provided
Accessible Parking Loading/unloading	5" provided 1:25,000 sq. ft.	11	7
Signage Arizona Ave	3 signs 150 sq. ft. max per sign not to exceed 200 ft. aggregate	50' sq. ft. one side & 400 sq. ft. aggregate	See sign package
Riggs Rd. Height of sign Wall Signs	1 sign 150 sq. ft. max 24' 15% bldg front face	14' per MCZO	Maximum 44'-10' (H) sign on Riggs Rd.

- u. The shopping center developer shall (re)construct a 7' (h) masonry wall to buffer the residential uses to the west from the shopping center. The wall may be built on Sun Lakes property if the Sun Lakes HOA provides written authorization. The wall may also be constructed with openings to allow golf cart access directly from Sun Lakes into the shopping center if the golf cart circulation path can be agreed to by the Sun Lakes HOA and the shopping center developer.

- 8. S2005-084 District 4**  
**Applicant:** R. J. Springer for Peakview Ranch, LLC  
**Location:** Northwest corner of 231st Avenue and Patton Road (in the Wittmann/Surprise area)  
**Request:** Preliminary Plat for a 100-lot, 15-tract single-family subdivision, with road waivers for realignment of arterial rights-of-way along section lines, in the Rural-43 zoning district (approximately 160.78 acres) – Peak View Ranch Unit 2

**COMMISSION ACTION:** Commissioner Jones moved to continue S2005-084 to the regular meeting of April 5, 2007. Commissioner Aster seconded the motion, which failed with a vote of 3-4 as follows:

Commissioner Bowers – no  
 Commissioner Pugmire – no  
 Commissioner Barney – no

Commissioner Jones – yes  
 Commissioner Munoz – yes  
 Commissioner Aster – yes

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Chairman Masel – no

**COMMISSION ACTION:** Commissioner Barney moved to approve S2005-084, subject to stipulations “a” through “u”. Commissioner Pugmire seconded the motion, which failed with a vote of 3-4 as follows:

Commissioner Jones – no  
Commissioner Munoz – no  
Commissioner Aster – no  
Chairman Masel – no

Commissioner Bowers – yes  
Commissioner Pugmire – yes  
Commissioner Barney – yes

**COMMISSION ACTION:** Commissioner Pugmire moved to deny S2005-084. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 7-0. Commissioners Barney and Bowers went on record that their votes were only to move the preliminary plat forward to the Board of Supervisors, and that they are supportive of the proposed preliminary plat.

Darren Gerard reported on the case background and action taken by the Planning Commission. Staff recommendation is to deny because the plat is determined to be physically unsuitable because of flooding, bad drainage, etc. which may endanger life, health or property, aggravate erosion, increase the flood hazard and necessitate unreasonable expenditure of public funds. Mr. Gerard added that on November 28, 2006, the City of Surprise requested a pre-annexation development agreement. There is no known public opposition. Staff recommends that the Board remand this preliminary plat back to the Planning Commission so the applicant has adequate time to redesign the project to address the drainage requirements.

Joel Sannes, representing the applicant, said this application has been at issue since August 2003. In September 2004, staff recommended “placing a no build policy” in the area where this development is located because of proximity to the auxiliary field of Luke AFB. Planning Commission agreed with staff, and rejected the application solely on this issue. In November 2004, the BOS overturned the Commission’s decision and approved the request because the owner had grandfathered property rights dating from an early purchase of the property. He said the preliminary plat had been detained by planning staff for a year, until November 2005, to allow them to apply to the BOS for a final plat application. In November 2005, applicant applied for an extension from P&D. Staff then asked the applicant to divide Peak View Units 2 and 3 into two applications. This was done. Staff then said this was now a “new” preliminary plat application and everything had to start over from the beginning.

Mr. Sannes said that in July 2006, there were five issues, none of which had anything to do with drainage. Because of the many delays since 2003, applicant asked P&D to allow them to go to the BOS on the preliminary plat application and between that approval and application for a final plat, to work to resolve the five remaining issues staff had raised with the application. P&D rejected this request and continued the application indefinitely. In January 2007, the applicant had “cured” those five issues and returned to P&D, to find that P&D had found an additional item to object to about drainage. This was reported to the applicant on the eve of the second Planning Commission hearing and it was continued for one month. In February 2007, Mr. Sannes said that staff reported, “they no longer support on-site retention, a complete change in their policy.” And, he reported that this happened “the day of the hearing” and applicant had no chance to address it at the Planning Commission hearing. The Commission then voted 4-3 to approve the preliminary plat application and allow the applicant the one to two year process to correct the drainage issues (vote is given above). He said they have an approval by the Planning Commission for the preliminary plat application. He said they still raise the proximity to Luke AFB for rejection. He asked the

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Board to again reverse the Commission's action. He said the applicant would have one to two years to resolve the drainage issues.

Mr. Sannes summarized by saying this 2003 case has already passed BOS approval, drainage had never been an issue until the January 2007 Commission meeting and the "major drainage issue had never been at issue until February 2007." He suggested that if the Board is not inclined to approve the preliminary plat today he asked that Members consider continuing this agenda item for 60 days to allow applicant to continue to work with staff to address the drainage issue, and put this back on the BOS agenda in 60 days. He said the question of whether staff's objection is based on the no-build policy near Luke or if it truly is about drainage issues needs to be addressed.

Joy Rich said staff can hardly recognize these case "facts" as Mr. Sannes has presented them. She asked the Board to understand that the applicant has recognized that their drainage is deficient. Staff is asking to continue the approval process, she added that staff has agreed in concept to what the redesign would look like and this should go back to the Planning Commission to identify what is included in a preliminary plat. She believed this could be worked out.

Supervisor Wilson said he drove around the site the last time it rained and he agreed that there was a problem that needed to be solved.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to remand this preliminary plat application to the Planning Commission for reconsideration of the drainage issue.

**NOTE: The Clerk announced that the following case, which is in backup but not on the agenda, will be rescheduled to the Board of Supervisors hearing of April 4, 2007 due to posting and publishing irregularities. (Case information not included)**

**9. Z2001-013 CONTINUED TO APRIL 4, 2007  
District 4**

Revoke a Special Use Permit (SUP) for a single-wide manufactured home in the Rural-43 zoning district, located approximately 660' east of 351st Avenue and 330' south of Baseline Road (in the Tonopah area)

**CODE ENFORCEMENT REVIEW – LINDA FINCHER**

Chairman Brock called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2004-00763, Linda Fincher. (ADM3417-046) The Clerk announced the corrected case number as V2006-00763. NOTE: Chairman Brock continued this Code Enforcement Review to this time to accommodate arrival of respondent's attorney who was unavoidably detained and could not arrive earlier.

Darren Gerard said this is a violation for junk, trash, debris and accumulated combustible vegetation, and unregistered/inoperable vehicles. Linda Fincher is trustee of the property and this case was opened in May 2006, and went to a hearing officer on January 11, 2007. Ms. Fincher was found to be responsible at the hearing and a fine of \$300 and \$30 per diem assessed with the accrual date beginning May 18, 2006, the original date of violation verification. The order did not include a compliance deadline by which the fine could be suspended. The fine now totals \$8,400 because of the wide ranging dates and no deadline.

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Mr. Gerard said that one month after the hearing, on February 12, 2007, the property had been brought into compliance.

Applicant's attorney, Jennifer Wolfe, apologized for being late to the hearing. She said that Ms. Fincher had suffered two strokes and a fractured ankle since September 2006 and was in the hospital at the time of the first hearing, which was then continued to January 11. At that time Ms. Fincher was in Prescott, her health was still poor and she was not able to travel to Phoenix to attend the January 11<sup>th</sup> hearing. She said the tenant on the property had continually promised to clean it up and finally had to be forced to bring it into its current compliant state. She asked that the fees be waived or reduced.

Supervisor Stapley said he felt the \$8,400 fine was excessive given the recent effort that has been applied by Ms. Fincher.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to uphold the hearing officer's order of judgment but to reduce the accrued fine to \$1,200.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Fulton Brock, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board